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# The American Political Science Review

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## CONGRESSIONAL CONTROL OF THE PUBLIC SERVICE*


LEONARD D. WHITE

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Since the English Revolution of 1688, it has been a part of the Anglo-American tradition that elected representative assemblies control the policies and acts of the executive branch of the government. This doctrine was firmly embedded in the American state and federal constitutions. With some wartime reservations, it has been universally accepted throughout our country. At the present time, however, there is an uneasy feeling that practice does not square with theory. There is even a suspicion that practice contradicts theory—that a vast body of officials has in fact escaped the possibility of control by the people's representatives.

The trends of the last half-century have certainly complicated the problem of congressional authority over administration. This has occurred in part because administration has made impressive gains in effective organization and operation, while relatively Congress has stood still. Within the administrative system there has developed a capacity for self-direction which might well challenge the dominance of Congress, if Congress continues to be the laggard partner in the governmental team.

The fact that Congress has declined in public esteem and in comparison with the executive branch is so apparent that Congress itself is preparing to take reformatory steps. I do not propose to discuss the difficult problem of congressional organization. I merely argue that reform is essential if Congress intends to control administration. I must, however, make some assumptions about the

* Prepared for delivery as the presidential address at the fortieth annual meeting of the American Political Science Association at Washington, D. C., February, 1945. On account of travel and hotel congestion, the meeting was cancelled.

future organization of Congress, since if it remains unreformed I despair of effective and intelligent control over the public service. For the purpose of this discussion, I therefore assume (1) that the majority party in each House will assert more effective power to control its own members and the business of Congress; (2) that congressional committees will be reduced in number and made responsible to each House; and (3) that the seniority rule will be abolished. These are minimum requirements, however difficult of realization.

I

Some contend that no improvements in Congress are likely to be enough; that the range and complexity of public administration are such that its control by a representative assembly has become impossible. The author of *The Managerial Revolution* argued that officials have already usurped the very essence of congressional power by determining public policy. Officials are certainly active participants. Some believe that Congress has lost the capacity to arrive at a formulation of policy except under compulsion from outside, especially the compulsion of the executive branch. There is much in the record to support this view. Some claim that the "bureaucracy" has acquired a capacity for resistance which puts it beyond the reach of amateurs. There is evidence to sustain this contention. We can all agree that the mere existence of a federal civilian army probably destined to remain at not less than a million and a half, armed with wide discretionary powers and possessing both intelligence and a sense of direction, presents a problem of control. If we intend to remain citizens of a republic and masters of our future, we may well take note.

I assert, nevertheless, that congressional control of the administrative system is not only democratically essential but also technically feasible. It is not feasible, however, on the pattern of the eighteenth and nineteenth centuries, projected into the twentieth. The forms of control which Congress now understands and tries to use are not especially good for control and are sometimes bad for administration. They need to be thoughtfully reconsidered.

The indictment against the existing system of congressional control is impressive. It is basically control over details, not over essentials. It is negative and repressive rather than positive and constructive. It reflects fear rather than confidence. It is sometimes

irresponsible. It is based on no rational plan, but is an accumulation of particulars whose consequences are seldom seen in perspective. Congress has done both too much and too little in trying to discharge this phase of its responsibilities. It needs a Committee on Congressional Management to do for it what the President's Committee on Administrative Management did for him.

Without presenting the specifications of the indictment, a few particulars may be suggested by way of illustration. The *Statutes at Large* and the annual appropriation acts are cluttered with a mass of detailed prohibitions and limitations upon administrative action. They represent in part a process of legislation by exasperation. Unfortunately, these often petty restrictions tend to continue and to accumulate. They hamper good administration and miss the mark as a means of control.

The mass of legislation governing the housekeeping activities of government departments became so great by 1930 that escape was necessary for the pioneering ventures of the New Deal. Congress deliberately released the Tennessee Valley Authority and some other government corporations from part of the restrictions placed upon older established agencies. The General Accounting Office and Congress itself have both looked upon this freedom with a jaundiced eye, and it tends gradually to disappear. One may take the view that a degree of freedom was good for the T.V.A. and would also be good in due measure for the whole federal system. Congress has apparently taken the view that freedom is progressively less good for the T.V.A. and is dangerous in principle.

Obviously, Congress is in error when it asserts control by making particular administrative decisions. This temptation, however, continues to be strong. For example, Congress requires senatorial confirmation of appointments of certain middle management officials. This is an invasion of an area definitely administrative, not policy-making. It is motivated either by a taste for patronage or by the natural desire of congressmen to protect themselves against the political consequences of administrative bungling in their states or districts. The attempt of Congress to force the removal of three named persons—Messrs. Lovett, Dodd, and Watson—is an example of congressional interference at its lowest level. In still another direction Congress recently invaded the proper field of administrative decision by reserving the right to decide from time to time how much oil could be produced from certain naval re-

serves. The President protested this action, but was forced to yield.

These criticisms of some of the forms of congressional control of the administrative system are not intended to cast any doubt on the desirability or necessity of such control. I would argue, indeed, that we need increasingly effective supervision by Congress as the powers of officials increase, their discretion expands, and their numbers multiply. My argument is that we are likely to get progressively less effective supervision unless Congress changes its tactics and strengthens its own position.

The task is to devise a system of congressional control which will be adequate to democratic purposes without at the same time impairing the capacity of public officials to operate efficiently. This balance cannot be attained by any simple formula. A solution is complicated by the fact that Congress (the controlling body) is "a numerous assembly" unaccustomed to close internal discipline, with a changing personnel periodically absent from the seat of government, whereas the public service (the agency to be controlled) constitutes a vast permanent hierarchy of trained, professional, and relatively disciplined officials.

The two essential objects which Congress must achieve are, first, to ensure that its mandates on public policy prevail, and, second, to ensure that the execution of public policy avoids waste, incompetence, and unnecessary public inconvenience. I propose to explore each of these essentials in turn.

## II

Congress in theory has, of course, complete control of public policy, at least in the domestic field. Some congressmen believe that they are losing control of policy, because bills originate elsewhere, because departments and agencies are developing their rule-making powers on an ever-increasing scale, because they suspect their policy is not always fully observed in the course of administration, and because they fear administrative action may foreclose a future policy decision by Congress.

Although it is important to conserve congressional control of policy, it is not necessary or desirable to require congressmen to originate all the bills. Congress first shared this duty with officials in September, 1789, when it asked Alexander Hamilton to bring in recommendations on the public revenue and discharged its own committee from further consideration of this subject. In recent

years, the administrative agencies have carried an ever larger part of the task of policy initiation and first formulation, and properly so.

The need for effective coördination of administrative rules with statutes presents a more important consideration. One of the most effective means of securing an appropriate control of the rule-making power, without hampering administrative operations, is to follow the procedure applied in 1939 in connection with plans for administrative reorganization. Here the initiative lay with the President, who was authorized to prepare plans for submission to Congress. Each plan was to lay on the table for sixty days and to become effective unless, within this period, the two Houses disapproved by a concurrent resolution.

Except in emergency cases, Congress might properly require basic administrative rules imposing obligations upon citizens to be reported to it in this manner, and to be subject to a legislative veto. This practice has long been accepted by the British House of Commons in dealing with provisional orders.

It is also important to ensure that administrative action accords with congressional policy and to give Congress a more effective sense of participation in early stages of policy formation. The policy conferences which Secretary Hull held with members of the Senate Foreign Relations Committee suggest a useful line of experiment. A large part of the major issues of public policy could be included within a small number of such conferences: for example, foreign policy, including military and naval programs; fiscal policy; social security policy and veterans' benefits; business policy; and resources policy.

This proposal assumes, let me repeat, that the committee system has been reformed, that the seniority rule has been abandoned, that the majority party has accepted effective responsibility for directing the business of Congress, and that consequently confidential discussions of policy will not be reported to the press. Policy conferences would be seriously handicapped as long as the seniority rule prevails; length of service on a committee is no guarantee of party confidence or personal restraint. Such conferences would be devoted to broad policy orientation rather than to the terms of a particular bill; indeed they should normally precede the stage of bill-drafting. They would occur at frequent intervals, and would be participated in only by members of the

majority party. On the administrative side, the participants would include department and agency heads and their policy advisers; members of permanent staffs would be present only to furnish data, for otherwise their status would be undermined with a change of party.

It is unnecessary to argue that Congress can secure firmer control of policy by enacting laws which are neither vague nor ambiguous. These criteria are impossible to achieve when the mind of Congress is confused or divided. Unfortunate is the lot of the official who has then to decide his course of action; he must make his own contribution to policy with the high probability that he will offend one section of congressional opinion. To congressmen may be commended the moral virtue of charity as they review the decisions of their agents.

Apart from the gains arising from greater precision in drafting legislation, I would therefore argue that Congress may be better assured of genuine control of policy by adopting the provisional-order technique as a means of reviewing administrative rules, and by cultivating policy conferences with top executive officials in the most important and most controversial areas of public action.

The House Select Committee to Investigate Executive Agencies recently recommended another type of policy control: a permanent joint standing committee to ascertain whether the laws are executed according to the intent of Congress. I doubt whether any single committee can advise the departments and agencies of the intent of Congress throughout the length and breadth of public policy as stated in federal legislation. There are other and better ways of determining the intent of Congress; and it is not necessary to set up a standing committee to prevent deliberate neglect or defiance of the will of Congress by any administrative agency.

## III

The second major objective of congressional control is to ensure that public policy is executed efficiently, without waste, and without undue public inconvenience. Congress has a duty to watch the course of administration, consult with officials, criticize administrative policies and performance, and conduct formal investigations. But it can make its contribution to efficiency only by a substantial degree of abnegation—by giving up the practice of criticizing details in favor of a genuine over-all supervision achieved

through a few really effective administrative controls within the executive branch.

If Congress must, in its own interest, forego control of details, what form of action can it undertake to compel high standards of performance? The answer is, it must concern itself with the improvement of the administrative system, and with creating the conditions of employment which attract a superior type of public official. Congress needs to face the task of creating a *system* which tends to produce competence rather than incompetence, responsibility rather than irresponsibility. If incompetence does occur, the essential question for Congress to ask is: What is wrong with the system of administration or the quality of management which permitted it to develop? The essential remedy for Congress to apply is not to discipline individuals or agencies (although discipline may sometimes be necessary), but to insist upon the improvement of the system and the quality of management. Only by bringing the administrative system to a high point of perfection can official stagnation or incompetence be reduced to the minimum which an imperfect world must tolerate.

The historic instrument of congressional criticism and investigation is the standing or special committee. The Interstate Commerce Committee of the Senate, the Civil Service Committee of the House, and the Truman Committee illustrate what can be achieved under favorable circumstances and with stable leadership. These forms of legislative control are pervasive and important. An intelligent public official proceeds on the assumption that he may have to explain his every act before a congressional committee. While this is a salutary climate for official life, it can quickly induce an insidious form of sleeping sickness unless Congress exercises its power with restraint, and constructively. A hostile remark by a congressman in a committee hearing, or even worse on the floor of the House, induces tremors throughout the official world. But congressional wrath is not necessarily control, and official trepidation not necessarily conformity. The problem remains of translating undoubted congressional influence on administrative performance into intelligent ultimate control of standards of administrative excellence.

It has been proposed to increase the influence of the present committees by attaching to each of them a small staff of experts, who could balance the influence of the experts who speak for the de-

partments and agencies. The proposal to equip committees with technical staffs raises some serious questions. It would probably increase the potential rivalry between the subject-matter committees and the Appropriations Committees. It would also lessen the probability—remote enough at best—of substituting joint committees for separate, independent, and sometimes hostile committees of the two Houses. It would set the stage for conflict between two sets of "experts," or potentially three—one in the House, one in the Senate, and one in the department. It would incur the danger of administrative management by a committee chairman and his experts. Much worse, it would fasten the present committee structure upon Congress; for the existing vested interests of chairmen would be buttressed by those of technical staffs. I do not, therefore, favor staffs for congressional committees until the committee system itself has been reformed. A rational committee system, however, would strengthen the case for small committee staffs. I do not need to add that a system which allotted one committee to each department, agency, authority, office, corporation, and commission would not be rational; it would be positively dangerous.

Parenthetically, one improvement is greatly needed in committee contacts—an improvement too subtle to be subject to legislation or standing orders. I refer to the need for protecting officials and citizens against the unintelligent and intemperate attacks to which they are sometimes subjected by committee members. Two instances will illustrate my point: the attacks upon officials of the Tennessee Valley Authority at hearings in the Senate, and the recent investigation of the Federal Communications Commission in the House. Congress can ill afford to allow such displays of arrogance or such punitive expeditions. They impair respect for Congress and for congressmen, and raise questions about congressional powers which ought not to be open to discussion.

To keep congressional use of the power to criticize on the level of decency is a responsibility of Congress itself. It can be achieved best by the unwritten code of each House. The prescriptions of this code derive from practice—but practice is molded by leadership and by the behavior of the men who have earned the respect of their colleagues. In ways which are subtle but none the less compelling, the behavior of a small minority who do not understand the ordinary courtesies of human contact and the purposes of

congressional control can be curbed and ought to be disciplined.

To return to my principal theme—Congress cannot through fifty committees or fifteen become a board of efficiency engineers. No board of directors of a great business organization would undertake to solve its operating problems. The directors do enough when they require a system of management properly designed to produce results, and secure top business executives of a high order of competence. The control function of Congress is analogous. Congress should bend its efforts to create a system of administration based on the best known practice and should provide conditions of employment which will attract able men and women. If then incompetence or official arrogance appears, Congress should find out where the system is at fault and insist upon a remedy.

Congress needs some means other than private complaint to keep informed of official incompetence. It is now moved to action principally by complaint—sometimes justified and sometimes not. As a complaint bureau, Congress might take itself less seriously than it has at times. Like its presumed agent, the General Accounting Office, it has been known to waste endless time and energy on inconsequential trivialities while serious waste and mismanagement went unnoticed. The problem at this point is to devise institutional means of bringing to the attention of Congress the really important issues of administration, and to aid Congress in finding genuinely effective solutions.

The House Select Committee to Investigate Executive Agencies recently proposed to place this function in a joint standing committee on appropriations, with the help of a joint legislative staff.[1] This recommendation is entitled to respect. It might, however, have the undesirable effect of diverting the Appropriations Committee from its main functions—to weigh the great competing claims upon the Treasury in the scales of the general interest and to adjust the volume of public expenditures to safeguard the public economy. These tasks are so important and so different in kind from the task of considering administrative performance that it is open to question whether they should be combined.

There is an acceptable alternative. Congress has an established agency of its own which is in touch with every unit of the administrative machine, the General Accounting Office. It has been per-

[1] House Report No. 1912, 78th Cong., 2nd Sess., Nov. 20, 1944.

mitted to operate on the level of details, not on the level of principle, and to extend its authority far beyond an audit. In consequence, Congress may have acquired a sense of security against embezzlement, but it has been gained at a heavy and unnecessary cost in economy and efficiency. The President's Committee on Administrative Management proposed to convert this office into one concerned only with an audit. Such a change is long overdue. If the General Accounting Office could be induced to abandon the search for petty errors and devote itself to advising Congress on major administrative problems revealed by the audit, it would become an instrument of far greater value to the American people. It could then perform for our government the function that the British Comptroller and Auditor General performs for his government—responsible criticism of administrative operations on the broadest scale. Congress can bring this reform to pass only by new directives involving important changes in the character of the General Accounting Office. Furthermore, Congress itself should select the Auditor General and make him fully responsible to it. A new congressional Joint Committee on Executive Agencies and Procedures would then have a significant and challenging opportunity to improve administration by dealing with principle rather than with the complaints of disappointed and disgruntled individuals.

IV

The apparent dilemma presented by the need for legislative control of a powerful public service and the need for relative freedom of official action to secure sound management is in truth a perplexing one. As a student of public administration, I probably am more sensitive to the need for a free hand for officials, at least in the service functions of government. But Congress must have ultimate control of policy and its execution. I urge that it settle on principle and avoid detail. To control policy as it is defined in administrative rules, the provisional-order technique deserves attention. To participate in policy in its formative stages, the device of congressional-executive policy conferences might be useful. To ensure high standards of administrative performance, Congress can make its greatest contribution by building up the administrative system and by depending largely on its internal controls. A reformed committee system would continue the function of con-

sultation, criticism, and occasional investigation; but as committees become more powerful, they need to be on guard lest they take over in fact some of the responsibilities of administration. The greatest single asset of Congress to guarantee sound administration might be a transformed General Accounting Office, restricted to an audit but strengthened to become an office of administrative intelligence acting on behalf of the two Houses. These innovations would, in my judgment, help achieve a satisfactory balance; they would go far to strengthen Congress without impairing the necessary authority of the executive branch of the government.

In closing this paper, I reëmphasize familiar ground—the great objectives to be secured by congressional control of administration. They are close to the heart of democratic institutions, since an uncontrolled body of permanent officials and employees would almost certainly degenerate into a bureaucracy, with all the unpleasant connotations of that word. It is the duty of Congress to be ever on guard against official sloth, stupidity, arrogance, or corruption. Apart from the courts, the elected representative is the principal protection of the humble citizen against abuse of the great powers which officials possess. We must always remember, however, that power may be beneficent; and in a democracy it is presumed to be directed toward beneficent ends. Congress faces, therefore, a delicate problem of balance—it must control with enough certainty of touch to guarantee a responsible and responsive public service; but it must refrain from impairing the capacity of the public service to achieve the great social purposes to which it is dedicated.

# THE DILEMMA OF THE PEACE-SEEKERS

FREDERICK L. SCHUMAN
*Williams College*

## I. THE ISSUE

"Right without Might is weakness," wrote Blaise Pascal three centuries ago. But "Might without Right is tyranny. We must therefore combine Right and Might, making what is Right mighty and what is mighty Right." To achieve such a combination in the community of nations is, by common consent, the major problem of world politics in our time. Outside of the dwindling ranks of the anarchists, few would any longer dispute the propositions that peace among men is unattainable without the organization of men into government, possessed of effective power to enforce law, and that justice among men is unattainable without the subordination of government itself to law, reflecting men's conception of right. How these goals are to be reached among nations is still a matter of controversy. But after participating in two world wars against tyrants, dedicated to world unity through conquest, most Americans are now agreed that peace and justice among nations depend upon order and law among nations and that these, in turn, depend upon the efficacy of what has long been called "international organization" or, more optimistically, "international government."

The Great Debate of 1944–45, like that of 1919–20, is not over ends, but over means. How can an effective world organization be brought into being, and how can it be made to function for the maintenance of peace, the enforcement of law, and the achievement of justice? In an age whose slogan in grappling with its most fateful problems has too often been "too little and too late," it is not strange that American discussion of the problem of world order has largely taken the form of old disputes as to the terms upon which the United States should assume membership in an association or league of nations to keep the peace. The tacit assumption behind the discussion is that such a partnership of sovereignties can and will keep peace, enforce law, and promote justice if only it be organized with sufficient cleverness and joined by a sufficient number of states.

It is a thankless task to suggest, on the eve of victory in the most agonizing war of our epoch, that the assumption is in error and

that action based upon it cannot but breed more cynicism, violence, and woe. Yet if there be any science of politics in any sense of the term, this is the conclusion to which it points. To conceal or obscure this truth out of devotion to wishful thinking is no service to the cause of peace.

## II. THE PREMISE

The basic postulate of those who believe that peace is to be had through a league or association of sovereignties is as old as the first paper schemes of global order. Emeric Crucé urged a world union, with a world assembly and a world court, in 1623. The "Grand Design" of Henry IV contemplated an international security council with an international army and navy. This was also the basic conception of the Abbé St. Pierre, of Jean Jacques Rousseau, of Emmanuel Kant, of Jeremy Bentham, and of a host of successors during the past century and a half.

The *modus operandi* of these proposals has been many times stated. Thus William Penn in 1693: "If any of the sovereignties that constitute the imperial States shall refuse to submit their claim or pretentions to them, or to abide and perform the judgment thereof, and seek their remedy by arms, or delay their compliance beyond the time prefixed in their resolutions, all the other sovereignties, united as one strength, shall compel the submission and performance of the sentence, with damages to the suffering party, and charges to the sovereignties that oblige their submission." And thus Woodrow Wilson in 1919, speaking of the new Covenant of the League of Nations: "A living thing is born. . . . It is a guarantee of peace. It is a definite guarantee by word against aggression. Armed force is in the background in this program, but it *is* in the background, and if the moral force of the world will not suffice, the physical force of the world shall."

This familiar thesis is simplicity itself: if all nations covenant together to pool their power and use their power collectively against any nation which takes the sword against another, the peace-breaker will be restrained or, if not restrained, will be swiftly and cheaply brought to justice. All war, save for the punitive expeditions of the community of nations against hardened violators of the law, will thus be at an end. For no nation can resist the combined force of all others turned against it. Never has this thesis been so clearly expressed as in the League Covenant of 1919. The

member states, in establishing the Council, Assembly, Court, Secretariat, and assorted technical organizations, pledged themselves not to resort to war and agreed to submit all disputes to arbitration, adjudication, or to settlement by the Council. They further agreed to act together in applying collective force against war-makers.[1]

By way of demonstrating once more that there is nothing new under the sun, the conferees at Dumbarton Oaks, in presenting to the world (October 9, 1944) their tentative "Proposals for the Establishment of a General International Organization," faithfully adhered to this long line of precedents. In so doing, they followed, with minor variations, the example of the British League of Nations Union in its "Draft Pact for the Future International Authority"[2] and of the American Commission for the Organization of Peace.[3]

[1] "Art. 16: 1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

"2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

"3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

"4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon."

[2] Cf. *International Conciliation*, Feb., 1944, No. 397. Art. XI of the Draft reads in part: "There shall be a Defense Committee of the International Authority, consisting in the first instance of the Permanent Members, who shall undertake that they will use their whole strength to prevent or stop any act of aggression, that is to say any act by any State unauthorized by the International Authority and designed to attack or diminish the security of any other State."

[3] Cf. "A Design for a Charter of the General International Organization," issued May 30, 1944. Art. 22 of the "Design" reads: "(a) Each state should be pledged to take such military and economic measures for the maintenance of peace as may be

The proposed United Nations are to have for their primary purpose: "To maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace" (Chapter I, 1). The suggested General Assembly, Security Council, Court, Secretariat, and Economic and Social Council closely parallel the organs of the old League. The administration of security is to be concentrated in the Council of eleven states, five permanent and six elected for two-year overlapping terms by the Assembly. The Council is to investigate disputes; to call upon the parties to fulfill their obligation to settle them by "negotiation, mediation, conciliation, arbitration or judicial settlement or other peaceful means"; and to recommend "appropriate procedures or methods of settlement." Should these fail of their purpose, the Council shall determine what measures of diplomatic and economic coercion shall be employed by the members against recalcitrants.

"Should the Security Council consider such measures to be inadequate, it should be empowered to take such action by air, naval or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations by air, sea or land forces of members of the organization. In order that all members of the organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security . . . (Chapter VIII, B, 4, 5)."

The member states, unlike the members of the Geneva League, are to hold "immediately available national air-force contingents for combined international enforcement action," with their strength and readiness, as well as plans for combined operations,

prescribed by the Assembly on proposals by the Political Council, and the Assembly should have power to provide for distributing the burdens which such measures may entail. (b) Eact State should be pledged to refrain from interference with any action taken by the Security Committee in execution of its powers. (c) Each State represented in the Security Committee should be pledged to take part, to the full extent of its resources, in any action which may be decided upon by the Security Committee for preventing or suppressing a use of force."

to be determined by the Security Council with the aid of a Military Staff Committee composed of the Chiefs of Staff of the permanent members. The Committee is to have "strategic direction of any armed forces placed at the disposal of the Security Council," with questions of command to be worked out subsequently. Action may be taken by all or some of the members "as the Security Council may determine." But all action, far from being taken by any body transcending states, shall be "carried out by the members of the organization by their own action and through action of the appropriate specialized organizations and agencies of which they are members" (Chapter VIII, B, 6–9). The theory of collective security thus remains essentially unchanged. In short, as in the days of Henry IV and Woodrow Wilson and all the days between, peace is to be enforced through the collective armed coercion of war-making states by all or most other states acting together.

### III. THE FALLACY

When in the chronicles of wasted time the historians of the future mournfully dissect the reasons for the failure of this latest scheme to keep the peace, they will discover that many of the reasons were plainly elucidated long before the United Nations was ever dreamed of. The crucial error lies in the false analogy between the members of a national society and the members of the "society" of nations. Since there is in fact no resemblance between them in their interrelations, either as to size, relative power, social cohesion, or disposition to act together, it follows that the coercion of the one by the many as a sanction of law and a means to peace is a wholly different matter in the two contexts. That two things utterly dissimilar should have come to be widely regarded as one and the same thing is doubtless a tribute to the anthropomorphic deification of the nation-state in modern times. Only if states were numbered by millions or at least by thousands, only if all were somewhat equal in power, only if all were bound together effectively by shared symbols and practices, would it be possible to organize the community of states in the fashion which has been repeatedly and vainly proposed. Since the necessary conditions have always been lacking, the hoped-for result has never been attained.

The central error leads to a further error: the formula of the coercion of states by states. No single instance in all human ex-

perience can be cited wherein law has ever been effectively enforced or peace has ever been successfully maintained through an arrangement whereby states were subjected to economic and military pressures by an association of states, or even by a "central government" composed of states. On this rock every league and confederation through the ages has invariably been wrecked. The reason for failure is not mysterious. There is no way of coercing a state without penalizing collectively most or all of its inhabitants. People who are citizens of states are emotionally identified with local symbols of loyalty and not with the symbols of any league, association, or confederation of which their state happens to be a member. When a state is coerced, its leaders find it easy to rally popular support against the "police" (i.e., the other states imposing the coercion), while the "police-officers" find it difficult or impossible to rally any popular support to the cause of coercion, even in their own states. As Mussolini discovered in 1935, the psychological cards are thus stacked in favor of the "criminal" and against the forces of "law and order," a situation which is exactly the opposite of that prevailing in the relations among individuals in any national community. The invariable consequence is the failure or abandonment of the effort at coercion, or war between the coercers and the coerced.

It is singular that these considerations are now perceived with a minimum of clarity by the very people whose "founding fathers" perceived them with a maximum of clarity. The essence of the fallacy was fully explored and exposed in the Constitutional Convention of 1787. At the outset, many believed that law, order, and peace would be impossible in the then sadly dis-United States unless the new national government were given power to coerce the states. Both the Virginia and New Jersey plans originally made provision for this type of collective security. The last clause of the Virginia plan authorized the United States "to call forth the forces of the Union against any member of the Union failing to do its duty under the Articles thereof."

George Mason of Virginia argued that "punishment could not in the nature of things be executed on the states collectively, and therefore that such a Government was necessary as could directly operate on individuals, and would punish those only whose guilt required it." James Madison opined that "the use of force against a State would look more like a declaration of war than an infliction

of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. . . . Any Government for the States formed on the supposed practicability of using force against the unconstitutional proceedings of the States would prove . . . visionary and fallacious."[4]

The New Jersey plan specified that "if any State, or any body of men in any State, shall oppose or prevent ye carrying into execution such acts or treaties, the federal Executive shall be authorized to call forth ye power of the Confederated States, or so much thereof as may be necessary to enforce and compel an obedience to such Acts, or an Observance of such Treaties." Said Mr. Randolph: "There are but two modes, by which the end of Genl. Govt. can be attained; the 1st. is by coercion as proposed by Mr. P's. plan. 2. by real legislation, as propd. by the other plan. Coercion he pronounced to be impracticable, expensive, cruel to individuals. It tended, also to habituate the instruments of it to shed blood & riot in the spoils of their fellow Citizens, and consequently trained them up for the service of Ambition. We must resort therefore to a national Legislation over individuals."[5] Alexander Hamilton said that by "force" one might understand "a coercion of laws or coercion of arms. . . . But how can this force be exerted on States collectively? It is impossible. It amounts to a war between the parties. Foreign powers also will not be idle spectators. They will interpose, the confusion will increase and a dissolution of the Union ensue."[6] Added Madison:

"The coercion, on which efficacy of the plan depends, can never be exerted but on themselves. The larger States will be impregnable, the smaller only can feel the vengeance of it. He illustrated the position by the history of the Amphictyonic Confederates: and the ban of the German Empire. It was the cobweb which could entangle the weak, but would be the sport of the strong."[7]

Col. Mason agreed with this view and observed:

"It was acknowledged by [Mr. Patterson] that his plan could not be enforced without military coertion. Does he consider the force of this con-

[4] Max Farrand (ed.), *The Records of the Federal Convention of 1787* (New Haven, 1923), I, pp. 34, 54, 164–165. Cf. Harrop Freeman and Theodore Paullin, *Coercion of States in Federal Unions* (Philadelphia, 1943), where these and other relevent passages are quoted.

[5] *Ibid.*, I, p. 256. [6] *Ibid.*, I, p. 284. [7] *Ibid.*, I, p. 320.

cession? The most jarring elements of nature, fire and water themselves are not more incompatible than such a mixture of civil liberty and military execution. . . . Will not the citizens of the invaded State assist one another till they rise as one Man and shake off the Union altogether."[8]

Before the Virginia convention called to pass upon the new Constitution, Madison said of one of the ancient Greek confederacies that "though its powers were more considerable in many respects than those of our present system, yet it had the same radical defect. Its powers were exercised over its individual members in their political capacities. To this capital defect it owed its disorders and final destruction. It was compelled to recur to the sanguinary coercion of war to enforce its decrees."[9] Before the New York convention, Hamilton put the matter even more strongly:

"To coerce the States is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? . . . The thing is a dream, it is impossible. . . . What is the cure for this great evil? Nothing, but to enable the national laws to operate on individuals, in the same manner as those of the States do."[10]

## IV. THE ALTERNATIVE

That Americans today should be giving earnest thought to the desirability of attempting on a world scale, where the difficulties are infinitely greater than they were in the United States of 1787, a program which the founders of their own Republic rightly dismissed as mad is a measure of the tragic frustration of our time. That the program should be persisted in after its futility has been demonstrated anew as recently as a decade ago at Geneva renders the tragedy greater and the inevitable frustration more bitter.

If peace can never be had through the coercion of states by the whole community of states, it is pertinent to inquire what other new departures, if any, are available Only two offer substantial promise of attaining the goal. At present, both of these are unhappily in the realm of the "academic," a term which has come to be synonymous with unimportant or impracticable. One is the abolition of a multiplicity of states through the universal dominion

[8] *Ibid.*, I, pp. 339–340.

[9] Freeman and Paullin, *op. cit.*, p. 16, quoting Elliott's *Debates*.

[10] *Ibid.*, pp. 13–14. Cf. also *The Federalist*, Nos. 15–22.

of a single super-state. The other is a union of states through federation, a solution which the framers of the American Constitution were able to achieve but which many of their descendants are apparently unable even to understand. The former development would establish world citizenship in a world state, with no problems of relations among sovereignties remaining. The latter would establish a dual citizenship on a global scale, with all people bound both by a world federal law within a limited sphere and by state (i.e., national or municipal) law in all other spheres. Both solutions would replace the coercion of states by the enforcement of law on individuals.

Nothing can be clearer than that a single World Imperium to keep the peace will not emerge out of World War II. The achievements of the Caesars of ancient Rome and of the Mongol Khans of Tartary in the thirteenth century have not been duplicated in the Western state system and will not soon be realized. In the future as in the past, any effort to unite all mankind under one rule can reasonably be expected to encounter the same resistances that defeated the ambitions of Louis XIV, Napoleon I, Wilhelm II, Hitler, and Hirohito. Neither America nor Britain nor Russia will unite the world by the sword during the next generation. The international community will therefore remain a community of separate sovereignties.

The federation of these sovereignties is a far more promising enterprise. Such a union, like every federation, would involve a division of powers between central and local units of government by means of a written constitution which neither alone could change. It would also involve two citizenships and two spheres of law. The global federal law would be enforceable, not on states as states, but on individuals through courts. Within its designated area, it would prevail over national or municipal law in cases of conflict, with a world court not only adjudicating legal controversies among states, but also acting in an appellate capacity as a court of last resort for the application and clarification of a body of constitutional principles actually commensurate with the integration and interdependence of the world community. The relations between the two spheres of law would be governed by the principle stated in Section 2 of Article VI of the fundamental charter of the American Union:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of the State to the contrary notwithstanding."

The applicability of these principles to the world problem of uniting effectively a multiplicity of states without subjecting them to the coercion of one another or of a central authority has long been urged by many distinguished Americans. As long ago as 1910, Hamilton Holt wrote: "The United States must become the model for the United Nations." More recently, the same conception has been presented ably and eloquently by many others, including Robert Lee Humber,[11] Justice Owen Roberts, Ely Culbertson,[12] the late Wendell Willkie, and Clarence K. Streit, founder of Federal Union.[13] All recognize that federalism is no perfect guarantee of peace and that no such guarantee is possible in an imperfect world of imperfect men. One costly civil conflict was required to preserve the United States. A federal United Nations might experience similar crises. But the armed coercion of individuals defying federal authority is a wholly different process from the armed clash of states. In the difference lies the measure of the progress away from anarchy and toward government which federalism represents.

## V. THE OBSTACLE

The chroniclers of centuries hence may well find it strange, almost beyond understanding, that the three major United Nations in World War II were unable or unwilling to unite the nations into a federation in which the armed coercion of states by states was at long last brought to an end. For these nations were the United States of America, oldest of the great federal republics; the Soviet Union, youngest of the Continental federations; and the British Commonwealth of Nations, embracing the federations of Canada, South Africa, and Australia. Among their allies were the federations of Mexico and Brazil. Stalin and Roosevelt were federalists in

[11] Cf. his "Declaration of the Federation of the World," adopted by the legislature of North Carolina, March 13, 1941, and by other state legislatures subsequently.

[12] Cf. his *World Federation Plan* and *Total Peace* (New York, 1943).

[13] Cf. his *Union Now* (New York, 1939) and *Union Now with Britain* (New York, 1940).

principle and practice. Churchill proposed Federal Union to France (June 16, 1940) in his belated message of despair to Paul Reynaud in a last hope of saving the Third Republic from utter capitulation to the foe.

That nothing new or creative emerged from these experiences and aspirations is a pathetic testimony to the propensity of men to flee in the face of mortal danger away from life-giving visions into the dark and ancient ways from which danger springs. The *deus ex machina* in this nightmare of dread is the incarnation of a myth—but one altogether filling what Wendell Willkie once called "the shadowy caverns of the mind" and far more potent to shape men's acts than any reality.[14] Its name is Sovereignty, and in this name the human adventurers along the valley of war have turned their faces back to the unholy altar of anarchy.

To trace the recent journey of this sinister deity with shining brow and feet of clay is no part of the present purpose. Suffice it to note the mile-stones of his itinerary. By the Atlantic Charter of August 14, 1941 (Art. 3), President Roosevelt and Prime Minister Churchill expressed the wish of their countries to "see sovereign rights restored to those who have been forcibly deprived of them." This formula subsequently became a kind of liturgy of the United Nations. On September 7, 1943, the Republican Post-war Advisory Council, meeting at Mackinac Island, urged "responsible participation by the United States in post-war coöperative organization among sovereign nations to prevent military aggression and to attain permanent peace with organized justice in a free world." At Moscow (October 30, 1943), Hull, Eden, and Molotov recognized "the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states." In the Connally Resolution of November 5, 1943, the Senate repeated this formula and further resolved "that the United States, acting through its constitutional processes, [should] join with free and sovereign nations in establishment and maintenance of international authority with power to prevent aggression and to preserve the peace of the world." Said Secretary Hull, March 21, 1944: "Each sovereign nation, large or small, is in law and under law the equal of every other nation. The principle of the sovereign

[14] Cf. Wendell L. Willkie, "Our Sovereignty: Shall We Use It?," *Foreign Affairs*, Apr., 1944.

equality of all peace-loving states, irrespective of size and strength, as partners in a future system of general security, will be the foundation-stone upon which the future international organization will be constructed."

Such in fact is the choice of the United States and the United Nations. Thus President Roosevelt, June 15, 1944: "We are not thinking of a super-state with its own police forces and other paraphernalia of coercive power. We are seeking effective agreement and arrangements through which the [sovereign] nations would maintain, according to their capacities, adequate forces to meet the needs of preventing war and of making impossible deliberate preparations for war, and to have such forces available for joint action when necessary." The Republican platform of 1944, adopted in Chicago on June 27, declared that "peace and freedom based on justice and security" must be sought "through organized international coöperation and not by joining a world state. We favor responsible participation by the United States in post-war coöperative organization among sovereign nations to prevent military aggression. . . . Such an organization should develop effective coöperative means to direct peace forces to prevent or repel military aggression." The Democratic platform of 1944, adopted in Chicago on July 20, pledged American membership in "an international organization based on the principle of the sovereign equality of all peace-loving states," with power to "employ armed forces when necessary to prevent aggression and preserve peace." Finally, the proposals of Dumbarton Oaks, in enumerating fundamentals, begin with: "1. The organization is based on the principle of the sovereign equality of all peace-loving states."

A civilization which adopts as a means toward the achievement of its ends a formula which makes impossible the attainment of the goals it professes can scarcely hope for more than new quotas of blood, sweat, and tears. The formula of "sovereignty," though designating a myth, is no rhetorical device. It reflects in all truth the deepest convictions and demands of most people everywhere. If *Vox Populi* is *Vox Dei*, it is blasphemy to quarrel with the choice. Yet the candid and reflective observer, earnestly concerned with the destiny of man, must point out that never in a thousand years, nor in ten thousand, can law, order, freedom, justice, and peace be arrived at in the world community so long as that community rests upon the principle of the "sovereign equality of peace-

loving states." All states love peace. But in all sovereign states peoples and leaders invariably love the prerogatives of sovereignty more than peace. No two states are equal in fact, and therefore no two can be effectively equal in law in a world in which law defines the rights of states rather than those of individuals. No state, moreover, is truly "sovereign" save in the sense that those who live in anarchy acknowledge no higher law except the law that Might is Right. The United Nations have built their hopes for the future upon a symbol which is the very matrix of the woes of the past.

## VI. THE HOPE

It would be easy, and perhaps just, to dismiss the issue with a dour reference to Dante's inscription over the gates of hell: "Abandon all hope, ye who enter here." In the long perspective of past experience and future probabilities, the world of the 1940's, even as it prepares to celebrate victory over the forces of darkness, has indeed abandoned hope under the comforting delusion that it has found the basis of hope.

Such small opportunities as remain may be lost unless participant observers recognize with the utmost realism precisely what is left from the wreckage of past expectations. Politics, now more than ever, is the art of the possible. What was once possible, and what may again in some remote future become possible, is not now possible. The politics of the months and years ahead will be rigidly delimited by the narrow possibilities accruing from decisions already reached. There will be no world federation after World War II. There will be no world state. There will be no world order based on a universal association of sovereignties, keeping the peace through the coercion of states by all other states; for an association so founded and so dedicated can neither succeed nor endure.[15]

[15] Cf. Mortimer J. Adler, *How To Think About War And Peace* (New York, 1943). In commenting upon "The International Law of the Future," published in the April, 1944, issue of the *American Journal of International Law*, Edwin Borchard observes (pp. 285–286): "Any law that prevails among equals cannot be decreed or enforced by a superior and must be of a type quite different from that which prevails within the State. . . . If there were a superior, it would not be international law; and so long as States are legally equal, as the recent resolutions admit, there can be no superior authority. Force behind an international organization, independent of that of particular States, is unthinkable so long as the members are sovereign States, and would soon prove fatal to the organization. . . . The men who founded this nation seemed to have a clear grasp of that elementary human fact in discussing the suggested enforcement of the federal Constitution on the States."

The possibilities left are much more modest, even if far more substantial, than the illusions now current. The persistence of political power in the form of disparate national sovereignties is the central and stubborn fact of today and tomorrow. This fact must be made the point of departure for all relevant thought and action regarding the future of the world community. That community has experienced no revolution in its prime design as a result of the two world wars of our time. It is still composed of a multiplicity of sovereignties, acknowledging no central authority and no higher law, and therefore perennially entangled in the competitive quest for security called "power politics" which flows inexorably from the anarchic nature of the state system itself. But a fundamental revolution has taken place in the distribution of power among the sovereignties. In 1914 there were eight "Great Powers," in 1939 seven, in 1944 five. In 1945 there will be four and in 1946 three, with China and France as highly doubtful additions.

The Three are "Super-Powers." All others, including the very greatest of the lesser Powers, will not be secondary but negligible. They will count for nothing in the scales of power save in so far as they join forces with one or another or all of the Three. Power in a world of sovereignties is ultimately fighting capacity. No sovereignties outside the Three can possibly hope to fight the Three, or any of them, with the slightest hope of success in any future that can now be foreseen. Power now rests upon capacity to produce immense quantities of tanks, planes, ships, guns, bombs, rockets, and technicians capable of using them. Only Washington, London, and Moscow will have this capacity after the fall of Germany and Japan. To their overwhelming power may usefully be added, in various combinations, the feeble power of others. Each indeed will become the nucleus of a regional power system, consisting of one Super-Power and a variable number of lesser sovereignties, each of which will be a strategic dependency regardless of any "sovereign equality" which it may theoretically enjoy. The mathematics of addition here is relatively unimportant. What is important and immutable is that America, Britain, and the Soviet Union will together rule the world or, failing this, will make the world a vast arena of rivalry and conflict.[16]

[16] Cf. William T. R. Fox, *The Super-Powers* (New York, 1944). Cf. also Walter Lippmann, *U. S. War Aims* (New York, 1944), and *U. S. Foreign Policy* (New York, 1943). In his more recent book, Lippmann observes: "President Wilson and his

These alternatives leave only one practical possibility among the various theoretical means of integrating separate sovereignties into a global unity, namely, a Grand Alliance among Washington, London, and Moscow. To seek to build a concert of power on any other basis is to ignore the inexorable realities of power itself. If the Three act together, all other sovereignties on the planet in all possible combinations will be powerless to disturb the peace. If the Three do not act together, every other possible combination of sovereignties will be powerless to keep the peace. The unity of the Three is the foundation of the only temple of peace which can now be built.

### VII. THE PROSPECT

These essentials of the problem of peace and power are obscured rather than clarified by the effort to bring together the Three (plus China and France), not in a conventional pact of alliance, but in a projected agreement establishing a General International Organization to be called the United Nations. The Dumbarton Oaks proposals, to be sure, give the General Assembly only the authority to discuss and advise. The Security Council, which is to function continuously, is to act to keep the peace on behalf of all members who, in turn, "should obligate themselves to accept the decisions of the Security Council and to carry them out" (Chapter VI, B, 4). But a majority of the members of the Council (six out of eleven) are to be lesser Powers holding non-permanent seats. What this will mean in practice is unclear so long as voting procedure remains "still under consideration." This formula may go far toward facilitating the hegemony of the Three while leaving some appearance of "sovereign equality" to the lesser members. But it may equally well become a prescription for

disciples . . . were assuming that they were laying the foundations of a world state under a world government. The Wilsonian principles, which are irrational in the world we live in, are quite rational if we imagine that the nations are about to do what the thirteen American states did when they formed the Federal Union. . . . To Wilson, the apostle of the new international order, the real object was the surrender of national sovereignty to the sovereignty of mankind. But because of what he regarded as current prejudice, he had to make concessions which concealed and denied the real object (pp. 178–179). . . . We have to reverse the Wilsonian pattern of collective security. We cannot build a universal society from the top downwards. We must build up to it from the existing national states and historic communities. That, I think, is what we must learn from the experiment at Geneva and from its failure. . . . We cannot afford to fail again" (p. 195).

nothing more than a new League of Nations, having no solid center of organized and integrated power at its heart.

The danger here is not that there may emerge "a great-power directorate whose authority in matters of security would have to be acknowledged by the smaller nations," or that the verbiage may become "mere sugar-coating for another Concert of Powers, this time not for Europe alone, as in 1815, but for the world, to be administered by methods which, for all their modern streamlining, will be those of Metternich."[17] Neither is there danger, as Governor Dewey put it on August 16, 1944, that plans will be laid "to subject the nations of the world, great and small, permanently to the coercive power of the (big) four." The danger is precisely the opposite: that no directorate of Super-Powers will develop within the framework of the projected organization. In the absence of such a directorate, the new League will be no more effective than the old.

American critics of the project have tended to lose sight of this central necessity. Most current criticisms are products of old illusions. Some contend that each of the Three must itself consent to be coerced if found guilty of aggression, a proposition already rejected, in fact if not in form, by the U.S.S.R. and almost certainly unacceptable in practice to most Americans and Britishers. The contention ignores an inescapable reality: peace will be possible if the Three act together and will be impossible if they act against one another for any purpose and in any context. Others champion the alleged "rights of small nations," forgetting that the small nations will have security only if the Three act together and will be trampled underfoot if the Three fall apart. "Even after you give a squirrel a certificate which says he is quite as big as any elephant, he is still going to be smaller, and all the squirrels will know it and all the elephants will know it."[18]

These criticisms stem from the basic illusion that the United Nations can or will establish something independent of, and transcending, a concert of the Great Powers. This illusion is reflected in the language of Dumbarton Oaks. But neither the language nor the illusion will change the fact. A universal society of sovereign equals, based on the coercion of peace-breaking states by all other states, cannot be made a reality and will utterly fail if attempted.

[17] Vera Micheles Dean, in *Foreign Policy Bulletin*, Oct. 13, 1944.
[18] Samuel Grafton, in *The New York Post*, Nov. 23, 1943.

The Three will act together or there will be no effective action. Other illusions, equally fatal to the enterprise, spring from the opposition of "nationalists" to long-term commitments.[19] Some Americans hold that the Three must not use their forces together unless in each case their legislatures vote for such action. Given the American record of past irresponsibility and evasion, such a procedure would make the American commitment wholly meaningless. All states at all times can easily consult and decide *ad hoc* in each crisis whether they wish to act together. No organization, beyond national diplomatic services, is necessary for such consultation. They have in fact almost invariably decided not to act together, with World War II as the result in the past and World War III as the probable result in the future. Either Washington, London, and Moscow will accept binding obligations *a priori* to act together, or their relations will differ in no significant respect from what they were in the 1930's.

The essential prerequisites of a concert of Super-Powers are easy of statement, even if hard of accomplishment. The United States, no less than Britain and the Soviet Union (already bound by the twenty-year alliance treaty of May 26, 1942), must agree in advance to participate in joint action against outside peace-breakers and must so arrange matters, as in all effective treaties of alliance, that action can be taken by Executive decision and not by Congressional debate.[20] The Three must further agree not to act against one another, since any such action for any purpose means World War III. Each of the Three must likewise agree to accept reciprocally the views of each of the others as to the requirements of its own security within its own strategic area. Those who balk at such

[19] Cf. *The Chicago Tribune*, Nov. 1, 1944: "The more the American people learn about the magnitude of our naval victories off the Philippines and about the progress of our army on the islands the more incredible becomes the clamor in this country to subordinate the United States to a combination of so-called great powers. . . . Single-handed, we have beaten the Japanese. . . . The German army tore up the armies of France, Britain, Belgium, and Holland. It remained for the American army to crush Germany in France. . . . On land, on sea, and in the air the American fighting man has proved himself the superior of every opponent and of every ally. It is time for Americans, conscious of their country's strength and aware of the terrible cost that war exacts, to denounce the foreign agents and the sycophants who would drag us into every war whether we wished to engage in it or not." A different but equally disastrous type of obstructionism is represented by William C. Bullitt's article, "The World From Rome," *Life*, Sept. 4, 1944.

[20] Cf. also the Czechoslovak-Soviet pact of December 12, 1943, and the French-Soviet pact of December 10, 1944.

arrangements as "immoral" or as "power politics," leading to undesirable "spheres of influence," are destroying a *sine qua non* of collaboration. Senator Arthur Vandenberg's notable address of January 10, 1945, is one of the very few recent utterances of public officials to take cognizance of these realities. His proposal for an immediate Anglo-Soviet-American treaty af alliance, providing for automatic joint action at Executive discretion against future German or Japanese aggression or rearmament, would, if accepted, make the United States a trustworthy partner in the obligations already assumed by Britain, the Soviet Union, France, and Czechoslovakia. Without such a treaty or its equivalent, nothing hopeful or durable can come from the Dumbarton Oaks proposals. Finally, and by no means least, mutual understanding and forbearance among the Three will be indispensable. This in turn presupposes that the socialist economy of the U.S.S.R. will function tolerably and that the capitalist economies of Britain and the United States will likewise function tolerably—a prospect somewhat more doubtful but earnestly hoped for, prayerfully if paradoxically, by the Soviet leaders. A new economic débâcle will shatter the concert almost as quickly as a direct resumption of political and military rivalry among the Three.

These conditions will prove difficult to meet. Yet a general appreciation of the probable consequences of not meeting them may well furnish a sufficient incentive for constructive action toward their realization. Once they are realized, there will not have been achieved, in the nature of the situation, any close approximation to the lofty vision of global justice to which all idealists aspire. At many points and on many occasions, ideal solutions will inevitably be compromised by the exigencies of unity among the Three. Without such unity, there will be no law, order, or peace, and therefore no justice whatever. With such unity, new opportunities of advance toward an ideal world organization will present themselves. Peace will endure so long as the Three act together. What will follow such a period of peace will depend upon how they use their power.

If the concert to come will be no more than a Grand Alliance, all those who are disappointed owe it to posterity to remember that it will also be no less than this. Global peace for a generation, and perhaps longer, is a goal supremely worth striving for. Under Metternich's much-libelled concert, the Great Powers remained at

peace with one another for almost forty years. Peace was a product of agreement on common action for common purposes among those possessed of decisive power. In our time it can rest on no other basis. America, Britain, and the Soviet Union, and these alone, now possess decisive power. The vanquished will be powerless. Other allies may be accepted as political equals, but will never be military equals during the decades immediately ahead. If the power at the disposal of Washington, London, and Moscow is dissipated in disunity or divided against itself, the result will be global anarchy and violence. If that power is kept united, no other state or combination of states will rival it or stand against it.

On this assumption, and only on this assumption, can peace be kept through the threatened coercion of states by states. To translate the assumption into reality is the most urgent necessity of the present. To use the irresistible power thus concerted in such fashion that its custodians may prepare the way for a federated world is the brightest promise of the future. Here lies the only surviving hope for world order. It may well be the last hope. To lose that hope out of fear that power may be abused is to despair of man's capacity to master the instruments of his own devising. To reject the hope because it falls far short of past expectations is to forget that anarchy is the worst of evils. To grasp the opportunity now presented, without illusions and with clear perception of all difficulties and dangers, and to build with firm resolve a better mansion of order and freedom on this foundation, will be the highest service to mankind.

# AMERICAN GOVERNMENT AND POLITICS

## THE COMMUNIST PARTY OF THE USA; AN ANALYSIS OF A SOCIAL MOVEMENT

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In certain sections of the daily press, and even in some scientific writings, one may find expressed fears that the United States faces a period of class struggle and revolutionary violence in which the Communist party will pay a prominent rôle.[1] This is somewhat surprising in view of the fact that the Communist party of the USA has not engaged in revolutionary propaganda for the past eight years, and indeed abandoned the last slight remnant of revolutionary ideology in January, 1944. Nor does a Marxist revolution appear likely to arise from other sources. The only leftist groups that might with some accuracy be termed revolutionary, the two leading Trotskyite factions and the Revolutionary Workers League, the Socialist Labor party, the Proletarian party, and the Industrial Workers of the World, do little more today than engage in obscure polemics with one another. Their very names are unknown except to specialists. The Socialist party and its right wing splinter, the Social Democratic Federation, have long since abandoned revolutionary propaganda and confined themselves to reform within the present social structure. Thus at present no group that shows signs of growth is openly propagandizing for a Marxist revolution, and hence no promising focal point exists for an organized revolutionary movement based on the Marxist theory of the class struggle.

The reasons for the disappearance of Marxist revolutionary ideology, and the probabilities of its future recurrence in the United States, present a scientific problem that has received relatively little non-partisan investigation. As it is impossible to discuss in brief compass all of the factors that might lead to revolutionary disturbances, in this paper the analysis will be limited to the Communist party of the USA, as the most significant proponent of this point of view in recent times.

[1] Such expressions are found most frequently in the papers controlled by William Randolph Hearst, Robert R. McCormick, Joseph Medill Patterson, and Eleanor Patterson. For a scientific analysis, see Ellsworth Faris, "Prospects of a World without Intolerance," *American Journal of Sociology*, March, 1944, pp. 462–463. While Faris does not refer to the Communist party by name, he manifestly has it in mind.

At a national convention on May 21, 1944, the Communist party of the USA changed its name to the Communist Political Association. The change was suggested in a speech by Earl Browder at Madison Square Garden on January 10, 1944. For convenience, the older and more familiar name is used throughout this paper.

In its early stages, and perhaps until 1935, the Communist party of the USA may be described accurately as the agent of a deliberate attempt at the diffusion, in the anthropological sense, of a new set of social and economic institutions. After that, it evolved into a mere pressure group and propaganda organization working on behalf of a great power, the USSR.

The party's revolutionary aims and conspiratorial character were openly described in one of its official publications, as recently as July, 1935—in a pamphlet by one J. Peters, *The Communist Party: A Manual on Organization*, which has become a favorite source for investigative and legislative bodies, such as the Dies Committee, anxious to prove the party's revolutionary character. In one passage (p. 8), the rôle and aim of the party are described as follows: "As the leader and organizer of the proletariat, the Communist Party of the USA leads the working class in the fight for the revolutionary overthrow of capitalism, for the establishment of the dictatorship of the proletariat, for the establishment of a Socialist Soviet Republic in the United States, for the complete abolition of classes, for the establishment of socialism, the first stage of the classless Communist society."

Although the Communist party of the USA has never engaged in any attempt at a *coup d'état*, its behavior, particularly in the leadership of strikes, etc., was in the early days regarded by its own members as training for such an eventuality. In the beginning, it attracted to its ranks some of the strongest elements of the native American syndicalist movement, the Industrial Workers of the World, including its outstanding leader, "Big Bill" Haywood. In this group, violence against established authority was an accepted tradition and a common way of winning prestige.

During this period, the Communist party of the USA was in close contact with the headquarters of the Communist International in Moscow, which in turn was under complete control of the Soviet authorities. Various renegades from the party and from the International have described in some detail the system of communication by secret couriers, codes, and ciphers, as well as resident agents of the Communist International and the OGPU, Soviet secret police, used to keep the various Communist parties, including that of the United States, under the discipline of the Russian rulers.[2]

After the Seventh and last World Congress of the Communist or Third

[2] See Jan Valtin, *Out of the Night* (New York, 1941), pp. 182–183; testimony of Walter G. Krivitsky, October 11, 1939, H. R. Special Committee to Investigate Un-American Activities (Dies Committee), *Hearings*, Vol. IX, pp. 5726, 5727; Benjamin Gitlow, *I Confess* (New York, 1940), pp. 300–305. While the authenticity of these accounts is in dispute, they corroborate each other on the general nature of the controls used by the Soviets.

International in 1935, which abandoned—at least in principle—the policy of attacking other leftist groups and urged coöperation with leftist and liberal organizations in all countries in order to fight the growing threat of fascism, statements urging the overthrow of the American government by revolutionary methods largely disappeared from the propaganda of the Communist party of the USA. The constitution adopted in 1938 stated that the party was a "working class political party carrying forward today the traditions of Jefferson, Paine, Jackson, and Lincoln," aiming to extend their democratic principles "to their necessary and logical conclusions: By establishing common ownership of the national economy . . . the abolition of all exploitation of man by man . . . and thereby the abolition of class divisions in society; that is, by the establishment of socialism, according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engels, Lenin, and Stalin. . . . " More specifically, the party urged the nationalization and government ownership of banks, railroads, and munitions industries, as a measure to alleviate the economic distress of capitalism as long as that system remained.[3]

Early in 1944, the party abandoned its platform of nationalization of banks, railroads, etc., on the grounds that such measures would not now have even the united support of the labor movement, and would hinder the development of national unity in support of the war.[4] Browder recently admitted that the solution of American economic ills through a radical redistribution of the national income may be ruled out today as politically inacceptable to the majority of Americans. In its stead, the party spokesman advocates a huge expansion of foreign investments to produce foreign markets for American products.[5] Similarly, Browder now speaks of hobnobbing at banquets with Basil Harris, the president of the United States Lines, and other captains of industry.[6] In this fashion the party has recently completed a full circle in its official ideology, swinging from open advocacy of violent revolution in the United States to strong support for the capitalist system.

At the same time that the party was developing from a revolutionary organization into a political pressure group, its direct contacts with the Soviet authorities and with the Communist International were diminishing. It is evident from the party's behavior in recent years that it does not enjoy the facilities of any "pipe line to the Kremlin." A careful reading of the statements of the Communist party of the USA and those of the Soviet authorities on the occasion of the crisis caused by the signing of

[3] William Z. Foster, *Your Questions Answered* (1939), pp. 64, 109–110.

[4] Speech by Earl Browder, at Madison Square Garden, January 10, 1944, in *Daily Worker*, Jan. 11, 1944, p. 4.

[5] *Daily Worker*, Oct. 9, 1944, p. 8.

[6] *Daily Worker*, Oct. 1, 1944, p. 1.

the Soviet-German Non-Aggression Pact of August 23, 1939, shows clearly that the American party was out of touch with events in Moscow. For instance, on August 24, 1939, the *Daily Worker* published the results of a conference between Browder and the press in which Browder showed that he did not yet know that the Pact had been signed. Browder even stated that the Soviet Union would assist Poland if Poland wanted such assistance, while the terms of the Pact, under Article 4, clearly precluded such assistance. Finally, the American party attempted to explain the Pact in ethical terms, describing it as a "blow to Hitler," as well as the "Munichеers" and "British capitulationists," and as a strengthening of the "anti-fascist struggle for peace."[7] On the other hand, the Soviet authorities made no attempt to explain the Pact in ethical terms and said candidly: "An end is being put to hostility between Germany and the USSR. Differences in ideology and political systems should not and cannot serve as obstacles to establishing good neighborly relations between both countries."[8]

The Communist party of the USA was equally out of touch with events at the time of the German attack on the Soviet Union, which began on June 22, 1941. Although the American party immediately came out advocating "full support and coöperation with the Soviet Union in its struggle against Hitlerism," some of the *Daily Worker* editorials of the following day continued the old party line of criticizing the Roosevelt Administration for being "so bellicose about the Axis in Europe." Another more recent incident that plainly shows the absence of close and immediate connections between the Communist party of the USA and the Soviet authorities concerned an article by Wendell Willkie in the *New York Times* for Sunday, January 2, 1944, called, "Don't Stir Distrust of Russia," and on the whole very favorable and sympathetic to the USSR. On Tuesday, January 4, 1944, the *Daily Worker* editorial warmly praised the Willkie article. Almost immediately afterwards a, *Pravda* political writer strongly attacked it, after which the *Daily Worker* became critical of Willkie.[9]

From this it is clear that the Communist party of the USA does its best to act as a propaganda agent for the Soviet government, and to adapt the party line to the exigencies of the latter's position, even though there is no direct and immediate contact between the two organizations.[10]

[7] *Daily Worker*, Aug. 24, 1939, pp. 1, 6, and following issues.

[8] Editorial in *Pravda*, Aug. 24, 1939, concerning the Pact, reprinted in the *Daily Worker*, Aug. 25, 1939, p. 2. The text of the Pact is given on the same page.

[9] The *Daily Worker* reprinted the *Pravda* article *verbatim* on the front page of the Jan. 6, 1944, issue.

[10] The possibility always remains, however, that such contact might be renewed whenever the Soviets so desired.

The Communist party of the USA acts as a propaganda agent on behalf of the USSR in a number of ways that merge into the pattern of attacking American groups or movements that it believes to be inimical to the interests of the USSR, and supporting those that it believes friendly to its interests. The Second Front agitation is a familiar instance.[11] Another typical one was the case of Heinrich Ehrlich and Victor Alter, the two Polish Socialist leaders who fled from the Nazis into the Soviet Union and whose execution by the Soviets on charges of treason and espionage shocked many liberal and labor leaders in this country. For every protest meeting organized by such persons, the Communist party of the USA managed to organize a counter-protest meeting. For every petition defending Ehrlich and Alter and criticizing the USSR, the Communists organized a counter-petition.[12] Similar battles of signatures constitute the stock in trade of liberal and leftist pressure group tactics. The party organized them in protest against the Book of the Month Club's selection of Mark Aldanov's novel, *The Fifth Seal*, on the ground that it was subtly and viciously anti-Soviet.[13] Likewise it has organized a strong campaign, particularly among Americans of Polish descent, against the Polish government-in-exile, with which the Soviet government had broken diplomatic relations. In this fashion the Communist party of the USA functions as an outpost of propaganda and Soviet diplomacy, without official sanction, and on occasion with considerable fumbling, in order to keep pace with changes in Moscow's diplomatic position. It is distinguished from other similar organizations acting on behalf of other powers by the fact that it addresses its appeals chiefly to the lower strata of the American population and to certain groups among our intelligentsia, instead of to our business and professional élite, as does most propaganda serving foreign interests.

In the writer's opinion, the evolution of the party to this status is to be explained in terms of changes in the society, institutions, and international position of the Soviet Union, rather than in those of the United States. With the adoption of the Five Year Plans, beginning in 1928, and the policy of industrialization and "socialism in one country," the Rus-

[11] It is interesting to observe that the Second Front issue was kept alive by changing the definition of a Second Front from an Anglo-American invasion of Europe to a cross-channel invasion after the Allies had invaded Italy. See, as a sample, *Daily Worker*, Oct. 30, 1942; statement by Eugene Dennis, *The Communist*, Feb., 1943, pp. 104, 106; and editorial on landings in Italy in *Daily Worker*, Sept. 4, 1943, p. 8.

[12] *New York Times*, Feb. 26, 1943, p. 5; Mar. 4, 1943, p. 3; Mar. 7, 1943, p. 33; *New Leader*, Mar. 6, 1943; Mar. 13, 1943; May 8, 1943; *Daily Worker*, Mar. 22, 1943; Mar. 27, 1943; Apr. 4, 1943; and numerous other issues; *New Republic*, Mar. 15, 1943; *Nation*, Mar. 13, 1943.

[13] *New York Times*, Apr. 17, 1943; *Sunday Worker*, May 2, 1943.

sians devoted more of their energies to internal construction and less to world revolution. Even though Marxian world revolutionary symbolism did not disappear from Soviet propaganda for internal consumption until after the German invasion of 1941,[14] the Communist party of the Soviet Union, the driving political force of the USSR, had by then become heavily weighted with industrial leaders more interested in raising the production of Russian factories than in fomenting revolution.[15] Indeed the last serious attempt at revolutionary activity ended with a débâcle in China in 1927.[16] In 1936, the Communists came to the assistance of the Spanish government during its unsuccessful struggle with Franco and in fact supported the police and the old civil service against attempts at setting up rule by committees analogous to the Russian soviets, expropriation of property, and the creation of a workers' militia.[17]

Furthermore, the rise of National Socialism in Germany, and later the signing of the Anti-Comintern Pact, tended to displace the bogey of "capitalist encirclement" in Soviet circles and to make more feasible a *rapprochement* between Communist and liberal or democratic movements in other countries and the development of popular front groupings. However, these groupings were most unstable, and elements of the older Soviet hostility toward the chief democratic and capitalist states, England, France, and the United States, frequently cropped out, especially during the period of the Nazi-Soviet pact.

The party makes strenuous efforts to explain the changes in its line as due to changes in the situation in this country, and stresses the claim that it is a genuine American party.[18] Its efforts to appear as a genuine American group have been especially vigorous since the passage of the Voorhis Act and the Foreign Agents Registration Act, both of which require registration with the Department of Justice of organizations controlled by foreign principals or engaging in political activity on behalf of foreign principals. The passage of these acts resulted in the Communist party's severing its affiliation with the Communist International on November 17, 1940 (after the passage of the Voorhis Act), and the legal subterfuge of making the *Daily Worker* no longer its official publication,[19] thus tending

[14] The Communist International itself was dissolved in May, 1943.

[15] See William Henry Chamberlin, *The Russian Enigma* (New York, 1943), p. 303.

[16] See F. Borkenau, *The Communist International* (London, 1938), pp. 340, 418.

[17] Borkenau, *op. cit.*, pp. 407 ff.

[18] For a succinct summary of the party's arguments that it is a genuine American group and not an agent of the USSR, see John Williamson, "Urgent Questions of Party Growth and Organization," *The Communist*, Jan., 1944, pp. 65–68.

[19] The *Daily Worker* registered with the State Department as an agent of various foreign news services in April, 1940. See *New York Times*, Apr. 3, 1940, p. 20. On July 31, 1940, the paper was "sold" to the Freedom of the Press Co., owned by three elderly ladies, one of whom was a member of the D.A.R. (*ibid.*, Aug. 1, 1940, p. 23).

to conceal rather than to disclose the nature of the party's foreign connections. These two acts, in so far as they relate to the Communist party of the USA, provide an interesting example of legislation that brought about results opposite to the intent of the legislators.

At the same time, the party's efforts to win a place and influence on the American scene have by no means been fruitless. Its technique is the relatively simple one of capitalizing on the grievances of various groups in American society and relating them to the interests of the USSR. For example, when the Communists wished to keep the United States out of the war, they used the argument that it was an "imperialist war" from which the workers had nothing to gain; after they wished the United States to enter the war, they reverted to the argument that it was necessary to crush fascism in order to maintain and spread trade union and working class institutions. As in the case of other pressure groups whose goal is constant even if not immediately visible, the arguments vary according to circumstances and the type of audience to which the appeal is directed. By this means the party has built up a significant following in the labor movement (particularly some sections of the Congress of Industrial Organizations), among our ethnic minorities, and in artistic and intellectual circles. The pattern of Communist activity in each of these groups and the degree of success obtained, measured both by actual behavior favorable to the USSR and by the output of verbal symbols favorable to the Soviets among these groups,[20] may be sketched in the following fashion.

The Communists won their position in the CIO largely through their willingness to take on the more unpleasant and in some instances routine tasks of trade union organization and maintenance that were shirked by those members who did not have a political axe to grind. In this fashion they came in at the beginning of the growth of mass unionism, and won strategic positions as union officers from which they have not been dislodged by their opponents. Before the rise of the CIO and mass unionism, when the party followed the policy of organizing competing unions affiliated with the Red International of Trade Unions (also known as the Profintern) with headquarters in Moscow, they had little success in the labor movement. Now the Communists and their sympathizers are quite evenly matched within the CIO, whose executive board contains such strong anti-Stalinists as James B. Carey and Stalinist sympathizers like Harry Bridges and Joseph Curran. Meanwhile, Philip Murray does his best to keep this factionalism from disrupting the organization.

[20] Other conditions, such as variations in the international position of the USSR, obviously affect actual and symbolic behavior toward it. As in the case of any other pressure group, it is impossible to distinguish more than very roughly between results that it achieved through its own efforts and those which came about through the operation of other forces.

Although trade unions whose officers are Communist party members or sympathizers follow the same general procedures of collective bargaining and grievance handling as do other unions, they are readily distinguishable on the basis of their political actions and statements. At present, the so-called Communist-controlled unions are the most staunch upholders of the no-strike pledge, and since June 22, 1941, have given employers the least trouble in the American labor movement. In their petitions and political statements, they uphold the favorite Communist causes, even going so far as to support legislation along the lines of a National Service Act, which was vigorously opposed by virtually every other section of the labor movement.

Among immigrants from Europe, the Communist party of the USA and its sympathizers form a distinct political *bloc* within each national or ethnic group, agitating on behalf of Soviet interests as they relate to this group. Thus the Communist *bloc* among the Ukrainians in this country strongly opposes the various Ukrainian independence movements active here. As a rule, the *bloc* is represented by a foreign language newspaper closely following the party line as laid down by the *Daily Worker*. At present, there are just short of thirty foreign-language Communist-line newspapers, with a total circulation of over 400,000. Further activities among East-European and Italian immigrants follow the established pattern of social gatherings and political activity focussed around mutual benefit insurance societies. The International Workers Order, with a membership of nearly 163,000 scattered amongst these ethnic and cultural groups, represents the Communist faction in each of them.

The party's greatest successes among the intellectuals were achieved prior to August 23, 1939. Many writers and artists whose social views were somewhat to the left of center signed series of political petitions circulated by Communists, or joined organizations such as the League for Peace and Democracy which Communists were active in organizing, though they were not necessarily the dominant figures in them. While motives undoubtedly varied from individual to individual, by far the greater proportion were probably attracted by the stated humanitarian goals of the Soviet Union, and by opposition to the National Socialist and Fascist régimes. The chief media of this group of intellectuals, then as now, were the two weeklies, *The Nation* and *The New Republic*, and at a later period the daily *PM*.[21] After the Soviet-German Non-Aggression Pact of August 23, 1939, the Communist party of the USA lost much of its influence in these quarters.[22] And despite the widespread support of the

[21] It is, of course, incorrect to regard these as in any sense Communist-line publications, since they frequently carry material critical of the actions of the Communist party of the USA, or even of the Soviet Union, and have often been attacked by the party.

[22] See Eugene Lyons, *The Red Decade* (New York, 1941), esp. Chaps. XXVI–

Soviet Union among intellectuals and other groups in the United States after this country entered the war, there is very little evidence to show that this support extends to the American party.

The party has also attempted to influence the general public through the media of political parties. This has been particularly effective in New York State. Here a Communist-led faction won control of the American Labor party in the primary elections of March 28, 1944.[23] As a result, the anti-Stalinist wing seceded to found a new party, the American Liberal party. In the recent presidential election, the support of both parties was necessary to carry New York for President Roosevelt. However, the Communist-led American Labor party polled by itself almost enough votes to make the difference between Roosevelt and Dewey.[24]

During the campaign, the Republican party made much of the Communists' support of the fourth term, leading to President Roosevelt's repudiation of Communist assistance.[25] The Republicans centered their attacks on the Political Action Committee of the CIO, arguing that it was a Communist front. This was a considerable exaggeration, since the PAC contained a number of diverse elements, united chiefly by a desire to assure a heavy registration of industrial workers on the assumption that this in turn would result in the defeat of anti-labor forces and the election of pro-labor ones. While the Communists are reported to have controlled the New York City and California PAC machinery, it is quite clear that they did not control such machinery in such important industrial centers as Detroit and Cleveland. Sidney Hillman, the PAC chairman, has a long record as an anti-Communist, boasting shortly before the election of his record of thirty-five years' opposition to the Communists "in and out of season." However, it is certain that the PAC was perfectly willing to accept Communist support, a situation which led to various difficulties with the Democratic national committee.[26]

From the foregoing it is clear that the Communists' technique is to obtain key positions in organized pressure groups whose political behavior and symbol output they can then control. In this fashion, their significance as a political force is much greater than a mere numerical count would show. Their numerical achievements are small indeed: in the depression election of 1932, when they polled the largest number of votes they have yet recorded, the party cast only a little over 100,000 votes out of a total

XXXI. The author, whose interpretations must be used with extreme caution, has a strong bias against the Stalinists.

[23] *New York Times*, Mar. 29, 1944, p. 1.

[24] Counting the Democratic votes alone, Dewey would have carried the state by 547,011. The American Labor party polled 484,594 votes (only a small proportion of which were Communist votes), the American Liberal party 320,331 votes. *New York Times*, Nov. 9, 1944, p. 21.

[25] *New York Times*, Oct. 6, 1944, p. 1.

[26] See Stephen Hill, "CIO-PAC; A Survey," *New Leader*, Nov. 4, 1944, p. 7; and report of a speech by Sidney Hillman in *New York Times*, Oct. 31, 1944, p. 12.

popular vote of close to forty millions. The Socialist candidate polled more than eight times as many votes. In 1940, the Communist vote declined to about 46,000, or less than that of Babson, the candidate of the Prohibition party. Today the party claims a membership of less than 90,000, including 35,000 members who have joined in the past two years. But as most observers of political trends are aware, numbers by themselves are a very misleading index of the power of a political group to achieve its aims. Much more depends on the status of the individuals who compose the group, and on their ability to bring other forces and groups into the arena of political struggle. The Communists have concentrated on the control of larger and more powerful groups.

Even if it is impossible to make any long-range forecast concerning the future of the party, one can at least draw attention to some outstanding factors that will affect its influence in the future.

One of these is the party's own internal cohesion, and the loyalty and indoctrination of its own members. The most significant index of this factor is dues payments. In 1943, seventy-five per cent of the membership paid their dues on time during the first quarter compared with eighty-two per cent the previous year. However, among the 15,000 new members recruited that year, only about fifty to sixty per cent paid their dues. This probably reflects difficulties in inculcating loyalty and in indoctrination[27] of new members.

The future of the party is dependent also on the degree to which its program and activities prove suited to the needs of the industrial workers and ethnic minorities of the United States. Assuming that the party's program continues to be directed toward these groups, and that at the same time its slogans and ideology continue to be adjusted to the variable of Soviet foreign policy, a number of combinations between the party's program and the conditions governing the life of the group are conceivable, each with different consequences for the party's future.

A condition favorable for growth of the party would be the presence of an economically reactionary régime in Washington, and one that was at the same time hostile to the USSR. This would provide an optimum situation for the party to follow its usual practice of capitalizing on economic dissatisfaction in order to spread propaganda on behalf of the USSR, at the same time that it might require the party to go underground—where it usually flourishes. Such a situation might even bring about a reversion to revolutionary ideology.

Other conceivable conditions do not favor the future growth and expansion of the party. Even a reactionary régime in Washington maintaining friendly and coöperative relations with the USSR would probably have the party's support. At the same time, the party would lose much of

[27] See *Daily Worker*, May 11, 1943, p. 8; John Williamson, "The Organizational and Educational Tasks of Our Party," *The Communist*, Oct., 1943, p. 924.

its following, since organized and unorganized labor would resent the party's support of a régime that nullified its economic gains under the New Deal.

Experience has shown that the party is perfectly willing to support reactionaries under certain conditions, as was the case in its endorsement of Mayor Hague of Jersey City. The endorsement was given on the ground that the Hague machine supported Roosevelt, and also in order to head off a labor revolt that was threatening to develop into a third party movement and split Roosevelt's support in the state.[28]

Even the reverse of this situation, i.e., the continuation of economic and political gains for industrial workers under a liberal régime in Washington, would not favor the Communists. Under these conditions, the underlying conditions that give rise to a protest movement on which the Communists could capitalize would tend to disappear, leaving them with nothing but a foreign policy. To some extent, this is the position they are in today.

From the point of view of the social scientist, the most significant feature of the development of the Communist party of the USA is the disappearance of its revolutionary appeal as it became the appanage of a successful great-power state. The success of revolutionary Marxism in Russia spelled its death in the United States, and in varying degrees in other parts of the world.[29]

We have observed that most of the foreseeable conditions of the post-war years do not favor growth of the Communist party. This does not mean that some variety of revolutionary movement may not win influence and adherents if the United States undergoes a prolonged post-war depression. But if the Soviet Union has no stake in overthrowing the régime then current, the revolutionary impetus will have to come from another source. Thus far, the remaining splinter Marxist factions have not shown the necessary energy, force, and appeal to the masses to fit them for this rôle. The impetus might come from a return to so-called "orthodox" Marxism, as happened in the case of Lenin's return to violent Marxism and his break with the German reformists. Or there might come an American version of the German and Italian experiences after the last war, with a combination of anti-capitalist symbolism and extreme nationalism.

[28] See *Daily Worker*, July 6, 1943, p. 3; *New York Times*, July 7, 1943, p. 1; William Norman, "The Struggle for National Unity in New Jersey," *The Communist*, Oct., 1943, p. 946.

[29] The anti-Stalinist left, particularly the Trotskyites and right-wing Socialists, have perhaps been the first to point this out, although they do it in moralistic terms, lamenting the death of revolutionary Marxism outside the USSR, and asserting that it is not a success in that country. If by success one means that a group has stayed in power for a generation and carried out a substantial portion of its original program, there is no doubt that the term can be applied to the followers of Lenin and Stalin.

# DISSENT ON THE SUPREME COURT, 1943–44

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During the 1943–44 term of the Supreme Court, public attention was attracted to that body on several occasions by verbal exchanges in decisions of the Court which seemed unusually sharp and personal. On January 3, 1944, Justices Black and Murphy admonished Justice Frankfurter that "for judges to rest their interpretation of statutes on nothing but their own conceptions of 'morals' and 'ethics' is, to say the least, dangerous business."[1] In another opinion on the same day, the same two judges referred to "what is patently a wholly gratuitous assertion as to constitutional law in the dissent of Mr. Justice Frankfurter."[2] In the Magnolia Petroleum Co. case, Justice Jackson observed that the minority judges were apparently willing to enforce the full faith and credit clause "only if the outcome pleases. . . ."[3] Justice Murphy told the Court on one occasion that it was "rewriting" a criminal statute,[4] Justice Jackson called the decision bringing insurance under the Sherman Act a "reckless" one,[5] and Justice Roberts several times waxed sarcastic about the disregarding or over-ruling of precedents. "This tendency," he said, "indicates an intolerance for what those who have composed this court in the past have conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom reside in us which was denied to our predecessors."[6] It is not surprising that the newspapers translated these disagreements into personal terms and began to write about the "feud that was smoldering behind the Grecian columns of the white marble court building."

There are many reasons for not taking such accounts too seriously. Thomas Reed Powell has wisely warned "laymen . . . not to draw too broad conclusions from any reportorial propensity to play up judicial disagreements as contests like those in war or sports."[7] Disagreement is no new thing on the Court. The faultless phrasing of the Holmes dissents may have raised to a higher plane, but did not conceal, differences as sharp as any evident during the past term.

While talk of feuds may be left to the gossip columns, it remains true that the disagreements among the justices during the past year deserve

[1] Mercoid Corp. v. Mid-Continent Inv. Co., 320 U.S. 661 (1944).
[2] Federal Power Commission v. Hope Natural Gas Co., 320 U.S. 591 (1944).
[3] Magnolia Petroleum Co. v. Hunt, 320 U.S. 430 (1943).
[4] United States v. Gaskin, 320 U.S. 527 (1944).
[5] United States v. South-Eastern Underwriters Assn., 64 S.C. 1162 (1944).
[6] Smith v. Allwright, 64 S.C. 757 (1944).
[7] "Our High Court Analyzed," *New York Times Magazine*, June 18, 1944, p. 17.

study and attention, if for no other reason than that, for the first time in the history of that tribunal, its members disagreed more often than they agreed in cases set down for decision by formal opinion. Of the 137 full opinions handed down by the Court during the term, only 57 (42 per cent) were concurred in by all the participating justices. The remaining 80 saw one or more justices registering dissent to the views of the majority.[8] This state of affairs is a startling departure from the norms of earlier days, when dissenting opinions customarily ranged between ten and twenty per cent of the total. However, for the past seven or eight terms the Supreme Court has been building up to the record now achieved, as Table I demonstrates.

Of the 80 dissents during the 1943 term, 19 were by the narrowest of margins, 16 by a vote of five to four, and 3 by a four to three division. In the remaining 61 decisions, three judges dissented in 18 cases, 23 were two-judge dissents, and 20 were dissents by a single judge.

TABLE I

NON-UNANIMOUS OPINIONS AND DISSENTING VOTES ON THE SUPREME COURT, BY TERMS, 1925–43

| *Term* | *Total Opinions* | *Non-Unanimous Opinions* | | *Dissenting Votes Cast* |
|---|---|---|---|---|
| | | *Number* | *Per Cent* | |
| 1925 | 212 | 17 | 8 | 33 |
| 1926 | 201 | 29 | 14 | 66 |
| 1927 | 176 | 27 | 15 | 73 |
| 1928 | 129 | 22 | 17 | 45 |
| 1929 | 137 | 12 | 9 | 31 |
| 1930 | 168 | 18 | 11 | 46 |
| 1931 | 151 | 26 | 17 | 55 |
| 1932 | 169 | 27 | 16 | 61 |
| 1933 | 166 | 27 | 16 | 66 |
| 1934 | 172 | 22 | 13 | 61 |
| 1935 | 160 | 26 | 16 | 80 |
| 1936 | 162 | 31 | 19 | 82 |
| 1937 | 170 | 46 | 27 | 88 |
| 1938 | 149 | 50 | 34 | 116 |
| 1939 | 141 | 42 | 30 | 85 |
| 1940 | 169 | 47 | 28 | 117 |
| 1941 | 162 | 59 | 36 | 160 |
| 1942 | 171 | 75 | 44 | 176 |
| 1943 | 137 | 80 | 58 | 194 |

[8] Throughout this article, the count of opinions includes all full opinions plus per curiam decisions reported in the same manner as full opinions. This practice follows that of the Department of Justice in its computations. See *Annual Report of the Attorney-General, 1941*, p. 53, note 13.

TABLE II

PARTICIPATION OF SUPREME COURT JUSTICES IN DISSENTING OPINIONS, 1943 TERM

| *Justice* | *Number Dissents* | *Opinions Participated In* | *Per Cent Dissents* |
|---|---|---|---|
| Roberts | 39 | 130 | 30 |
| Jackson | 22 | 130 | 17 |
| Douglas | 22 | 135 | 16 |
| Frankfurter | 22 | 137 | 16 |
| Murphy | 20 | 134 | 15 |
| Black | 19 | 134 | 14 |
| Reed | 18 | 136 | 13 |
| Stone | 16 | 135 | 12 |
| Rutledge | 16 | 135 | 12 |

Table II gives the dissenting records of individual members of the Court. Justice Roberts is shown to be most frequently at odds with the present Court, but the tendency has been manifested in lesser degree by all of its other members as well. Table III compares the percentage of dissents by the justices during the 1943 term with their performance in the four preceding terms. Most of the judges have shown a fairly steady increase in the rate of dissents during the period.

TABLE III

PARTICIPATION OF SUPREME COURT JUSTICES IN DISSENTING OPINIONS, 1939–1943 TERMS

| *Justice* | *1939* | *1940* | *1941* | *1942* | *1943* |
|---|---|---|---|---|---|
| Stone | 3% | 4% | 14% | 9% | 12% |
| Roberts | 17 | 19 | 16 | 18 | 30 |
| Black | 3 | 9 | 13 | 14 | 14 |
| Reed | 1 | 5 | 9 | 10 | 13 |
| Frankfurter | 1 | 1 | 10 | 12 | 16 |
| Douglas | 3 | 9 | 17 | 14 | 16 |
| Murphy | 1 | 4 | 11 | 17 | 15 |
| Jackson | .. | .. | 7 | 11 | 17 |
| Rutledge | .. | .. | .. | 3 | 12 |

In a court as divided as these statistics show the present Court to be, several questions arise for analysis. The first concerns the voting alignments of the justices, or what may be called the "pattern" of dissent. The most satisfactory method of showing judicial alignments and discovering whether judicial voting follows any regular pattern appears to be a graphic presentation of the data on the pairing of justices in dissent-

ing opinions such as is made in Table IV. This table indicates for each justice the number of dissents he registered during the 1943 term, the other members of the Court who agreed with him in his dissents, and the number of times they did so. Dissents in which only a single justice participated are given in parentheses. The justices are arranged in the table in such a manner that, so far as interrelationships permit, each justice is placed closest to those with whom he dissents most often, and farthest from those with whom he dissents least often.

TABLE IV

PARTICIPATION OF AND AGREEMENTS AMONG SUPREME COURT JUSTICES IN DISSENTING OPINIONS, 1943 TERM

| *Justice* | *No. Dissents* | *Black* | *Douglas* | *Murphy* | *Rutledge* | *Jackson* | *Reed* | *Stone* | *Frankfurter* | *Roberts* |
|---|---|---|---|---|---|---|---|---|---|---|
| Black | 19 | (1) | 15 | 10 | 7 | 3 | 2 | 1 | 1 | 1 |
| Douglas | 22 | 15 | (1) | 12 | 8 | 5 | 3 | 1 | 1 | 1 |
| Murphy | 20 | 10 | 12 | (2) | 10 | 1 | 1 | 1 | 1 | 3 |
| Rutledge | 16 | 7 | 8 | 10 | (1) | 2 | 2 | 1 | | 3 |
| Jackson | 22 | 3 | 5 | 1 | 2 | (4) | 6 | 1 | 10 | 8 |
| Reed | 18 | 2 | 3 | 1 | 2 | 6 | — | 8 | 9 | 9 |
| Stone | 16 | 1 | 1 | 1 | 1 | 1 | 8 | (1) | 7 | 8 |
| Frankfurter | 22 | 1 | 1 | 1 | | 10 | 9 | 7 | — | 15 |
| Roberts | 39 | 1 | 1 | 3 | 3 | 8 | 9 | 8 | 15 | (13) |

Examination of Table IV shows that the disagreements of the justices do fall into a fairly well-defined pattern. At each end of the Court there is a pair of justices (Black-Douglas and Frankfurter-Roberts) who were in dissent fifteen times together. Further, it appears that the Black-Douglas nucleus is usually joined by Murphy and, somewhat less often, by Rutledge, these four justices forming a definite *bloc* on the left of the Court. In the same way, Frankfurter and Roberts are joined in their dissents sufficiently often by Reed and Stone to compose a right-wing *bloc*. On balance, Jackson seems also to belong to this group, though there is the curious fact that he dissented only once with Chief Justice Stone as compared with five occasions on which he joined Justice Douglas in dissent. His record would seem to indicate a position less consistent or more com-

plex than that of his colleagues. Justice Roberts' position far to the right of his other companions in the right wing is obvious from the 13 dissents, in which he could get no support from any other member of the bench.

While there thus appears to be a fairly definite alignment on the Court, the pattern is obviously somewhat blurred, Justice Jackson being especially hard to locate. It is instructive to compare this pattern of division with that which prevailed on the Court during the 1937–38 term, as indicated in Table V.[9] In that year the alignments into left and right wings

TABLE V

PARTICIPATION OF AND AGREEMENTS AMONG SUPREME COURT JUSTICES IN DISSENTING OPINIONS, 1937 TERM

| *Justice* | *No. Dissents* | *Black* | *Stone* | *Cardozo* | *Brandeis* | *Hughes* | *Roberts* | *Sutherland* | *Butler* | *McReynolds* |
|---|---|---|---|---|---|---|---|---|---|---|
| Black | 15 | (11) | 3 | 2 | 1 | | | | | |
| Stone | 5 | 3 | — | 4 | 1 | | | | | |
| Cardozo | 4 | 2 | 4 | — | 1 | | | | | |
| Brandeis | 1 | 1 | 1 | 1 | — | | | | | |
| Hughes | 0 | | | | | — | | | | |
| Roberts | 2 | | | | | | — | 2 | 2 | 2 |
| Sutherland | 9 | | | | | | 2 | — | 7 | 9 |
| Butler | 22 | | | | | | 2 | 7 | (1) | 21 |
| McReynolds | 28 | | | | | | 2 | 9 | 21 | (5) |

were clear-cut, regular, and almost symmetrical. Chief Justice Hughes was in the exact center of the Court, with not a single dissent during the term. Four justices ranged to his left, from Brandeis to Black, and the other four to his right, from Roberts to McReynolds. No member of one of these wings ever joined in a dissenting opinion with a justice in the other wing during the entire term. In contrast, during the 1943 term every pair of justices was found joined in at least one dissent, with the sole exception of the Frankfurter-Rutledge combination.

[9] Table V excludes Justice Reed, who was a member of the Court during the 1937 term for only a short time. Justice Sutherland is included, though he did not serve out the full term.

The relationships among the justices are revealed with somewhat greater fidelity by Table VI, which reduces the data on pairings during the 1943 term to a percentage basis. This presentation takes into account the agreements between every pair of justices, whether on the majority or minority side, in every non-unanimous opinion in which both participated. For example, during the 1943 term Murphy and Stone were both participants in 77 of the 80 opinions where there was disagreement. In 45 of these they were on the same side, and in the other 32 they were on opposing sides. Thus the table shows the rate of agreement between them to be 58 per cent. The same data are given for every other pair of justices.

Several points brought out by Table VI deserve comment. The closest relationship on the Court, as it has been since the time of Douglas's appointment during the 1938 term, is that between Black and Douglas, who

TABLE VI

AGREEMENTS AMONG SUPREME COURT JUSTICES IN NON-UNANIMOUS OPINIONS, 1943 TERM
(In Percentages)

| *Justice* | *Douglas* | *Black* | *Murphy* | *Rutledge* | *Jackson* | *Reed* | *Stone* | *Frankfurter* | *Roberts* |
|---|---|---|---|---|---|---|---|---|---|
| Douglas | — | 86 | 79 | 72 | 56 | 56 | 55 | 47 | 24 |
| Black | 86 | — | 76 | 74 | 57 | 58 | 58 | 50 | 27 |
| Murphy | 79 | 76 | — | 81 | 49 | 53 | 58 | 49 | 34 |
| Rutledge | 72 | 74 | 81 | — | 59 | 63 | 62 | 52 | 40 |
| Jackson | 56 | 57 | 49 | 59 | — | 64 | 55 | 71 | 46 |
| Reed | 56 | 58 | 53 | 63 | 64 | — | 78 | 73 | 50 |
| Stone | 55 | 58 | 58 | 62 | 55 | 78 | — | 70 | 49 |
| Frankfurter | 47 | 50 | 49 | 52 | 71 | 73 | 70 | — | 62 |
| Roberts | 24 | 27 | 34 | 40 | 46 | 50 | 49 | 62 | — |

agreed in 86 per cent of the disputed cases during the 1943 session. The second highest rate of agreement is that between Douglas and Murphy. The rates of agreement among the left wing justices are consistently high, ranging from 72 to 86 per cent. Relationships among the justices on the right (Roberts excluded) range from only 55 to 78 per cent. Justice Roberts is, of course, consistently low in agreements with his colleagues, managing to get above the 50 per cent mark with only one, Frankfurter. It is interesting to note that Chief Justice Stone is closer to the left wing in his agreements than he is to Roberts. The most marked affinity in the right wing is that of Stone and Reed.

The existence of a fairly well defined pattern of dissent indicates that the disagreements among the justices must be grounded, in the words of Thomas Reed Powell, on "some underlying difference of gospel." To dis-

cover the doctrinal basis for this cleavage, it becomes necessary to examine the opinions in which dissent was registered, identify the most important issues of public policy raised in those cases, and record the voting reaction of the various judges on those issues. Table VII gives the result

TABLE VII

VOTING RECORD OF THE SUPREME COURT AND INDIVIDUAL JUSTICES ON VARIOUS PUBLIC POLICY ISSUES, 1943 TERM

| | *Civil Liberties* | | *Criminal Defendants* | | *Federal Business Regulation* | | *Interstate Commerce Commission* | | *Price Control* | |
|---|---|---|---|---|---|---|---|---|---|---|
| | *Govt.* | *Ind.* | *Govt.* | *Def.* | *Govt.* | *Bus.* | *For* | *Against* | *For* | *Against* |
| Supreme Court | 2 | 5 | 9 | 4 | 6 | 1 | 4 | 3 | 3 | 3 |
| Black | 2 | 5 | 6 | 7 | 7 | 0 | 3 | 3 | 6 | 0 |
| Douglas | 3 | 4 | 7 | 6 | 6 | 0 | 3 | 4 | 6 | 0 |
| Murphy | 1 | 6 | 2 | 10 | 7 | 0 | 2 | 5 | 5 | 1 |
| Rutledge | 2 | 5 | 4 | 9 | 6 | 1 | 3 | 4 | 3 | 3 |
| Jackson | 3 | 4 | 10 | 2 | 4 | 3 | 6 | 1 | 3 | 3 |
| Stone | 3 | 4 | 11 | 2 | 5 | 2 | 5 | 2 | 3 | 3 |
| Reed | 4 | 3 | 9 | 4 | 4 | 2 | 6 | 1 | 3 | 3 |
| Frankfurter | 4 | 3 | 11 | 2 | 4 | 3 | 5 | 2 | 3 | 3 |
| Roberts | 5 | 2 | 8 | 4 | 0 | 5 | 2 | 5 | 0 | 6 |

| | *Employer-Labor* | | *Judicial Review* | | *Federal Court Jurisdiction* | | *Federal-State* | | *State Taxation* | |
|---|---|---|---|---|---|---|---|---|---|---|
| | *Emp.* | *Lab.* | *Broad* | *Narrow* | *For* | *Against* | *Fed.* | *State* | *For* | *Against* |
| Supreme Court | 2 | 7 | 1 | 4 | 2 | 2 | 7 | 1 | 4 | 1 |
| Black | 0 | 9 | 0 | 4 | 0 | 4 | 5 | 3 | 5 | 0 |
| Douglas | 0 | 9 | 1 | 4 | 1 | 3 | 5 | 3 | 5 | 0 |
| Murphy | 0 | 9 | 2 | 3 | 2 | 2 | 6 | 2 | 5 | 0 |
| Rutledge | 1 | 8 | 1 | 3 | 2 | 2 | 8 | 0 | 4 | 1 |
| Jackson | 2 | 7 | 1 | 3 | 2 | 2 | 7 | 1 | 1 | 4 |
| Stone | 4 | 5 | 1 | 4 | 3 | 1 | 6 | 2 | 3 | 2 |
| Reed | 2 | 7 | 4 | 1 | 2 | 2 | 5 | 2 | 3 | 2 |
| Frankfurter | 3 | 6 | 0 | 5 | 4 | 0 | 3 | 5 | 4 | 1 |
| Roberts | 9 | 0 | 4 | 1 | 4 | 0 | 1 | 6 | 0 | 3 |

of such an investigation and presents an analysis of the votes on ten public policy issues which seemed most significant in the disputed decisions of the 1943 term. One or more of these ten issues was found to be present in over three-fourths of the non-unanimous opinions handed down. Judicial reactions in each of these ten fields deserve brief comment.

*Civil Liberties.* This classification includes seven cases involving freedom of speech, freedom of religion, peonage, voting rights of Negroes in the Texas Democratic primaries, and a conscientious objector in trouble with the Army.[10] One of the outstanding characteristics of the present Court has been its extreme care in safeguarding civil liberties, so it is not surprising that five of the seven decisions in this field went in favor of the individual's claims to protection. Both cases that were lost involved claims that freedom of religion had been infringed, in one case by the Massachusetts child labor laws as applied to children of Jehovah's Witnesses selling its literature, and in the other by prosecution of members of the "I Am" cult for using the mails to defraud.

There has been a well-defined pattern of division on the Court during the past few terms on civil liberties cases, established principally in the numerous Jehovah's Witnesses decisions. The left-wing justices plus Stone have been consistently on the civil liberties side, while the right-wing justices other than Stone have supported government restrictions on civil liberties. The cases during the 1943 term were not of such a character as to bring out this division so sharply, but the tendencies are still in that direction. Murphy is shown to be the most extreme in his insistence on freedom, while Roberts seldom carries his economic individualism into the civil liberties field.

The Hartzel case, involving prosecution under the Espionage Act of 1917 of a noxious individual who had mailed his racial and anti-war views to members of the armed forces, presented the most interesting and difficult test of alignments during the term on the civil liberties issue. All of the members of the Court except two reacted as they customarily have in the past on such questions. Stone, Murphy, Black, and Rutledge upheld Hartzel's right to air his views even in war-time, while Reed, Frankfurter, and Jackson felt the act had been violated. Douglas and Roberts, however, reversed the stands they usually take, Douglas voting to convict and Roberts holding that there had been insufficient evidence in the case to send it to the jury.

*Criminal Defendants.* This category includes cases in which individuals convicted of violations of federal or state criminal laws raised before the Supreme Court questions of constitutionally guaranteed procedural rights or non-constitutional questions of statutory interpretation.[11] Involved

[10] Prince v. Massachusetts, 321 U.S. 158 (1944); Billings v. Truesdell, 321 U.S. 542 (1944); Follett v. Town of McCormick, 321 U.S. 573 (1944); Smith v. Allwright, supra, note 6; Pollock v. Williams, 64 S.C. 792 (1944); United States v. Ballard, 64 S.C. 882 (1944); and Hartzel v. United States, 64 S.C. 1233 (1944).

[11] McCann v. Adams, 320 U.S. 220 (1943); Roberts v. United States, 320 U.S. 264 (1943); United States v. Dotterweich, 320 U.S. 277 (1943); United States v. Gaskin, 320 U.S. 527 (1944); United States v. Hark, 320 U.S. 531 (1944);

are such questions as waiver of jury trial, compulsory self-incrimination, use of violence in obtaining confessions, and double jeopardy. In only four of these 13 cases were the claims presented by the criminal defendants accepted by the Court. The voting records of the individual justices show that the left-wing members, and particularly Murphy and Rutledge, were considerably more sympathetic to these pleas than the right wing.

*Federal Business Regulation.* Fourteen of the cases in which dissent was registered involved federal regulation of business. In half of these decisions the Interstate Commerce Commission was the federal agency involved,[12] while six others concerned regulatory activities of the Federal Power Commission, the Securities and Exchange Commission, the National Labor Relations Board, and the Wage and Hour Division.[13] The celebrated Sherman Act prosecution of the South-Eastern Underwriters Association was the fourteenth case.[14] Ten of the 14 decisions went for the government. Of the four which the government lost, three concerned the Interstate Commerce Commission.

To get a clear picture of judicial alignment in this field, it is necessary to separate the I.C.C. cases from the others, as has been done in Table VII. This separation reveals that while the four left-wing justices almost unanimously support business regulation in other than I.C.C. cases, they are the principal source of opposition to I.C.C. orders. This tendency is a continuation of a trend which has been evident for the past several terms, left-wing members of the Court taking the position that the I.C.C. in several cases has failed to protect the public interest. During the present term, for example, they objected to an I.C.C. decision permitting a truck monopoly to be established, and to an increase in utility rates which was granted over the protest of price control officials.[15]

With the exception of Justice Roberts, the right-wing justices generally supported federal business regulation during the term, though they were

Falbo v. United States, 320 U.S. 549 (1944); Yakus v. United States, 321 U.S. 414 (1944); United States v. Mitchell, 64 S.C. 896 (1944); Ashcraft v. Tennessee, 64 S.C. 921 (1944); Mortensen v. United States, 64 S.C. 1037 (1944); Feldman v. United States, 64 S.C. 1082 (1944); United States v. Saylor, 64 S.C. 1101 (1944); Lyons v. Oklahoma, 64 S.C. 1208 (1944).

[12] City of Yonkers v. United States, 320 U.S. 685 (1944); McLean Trucking Co. v. United States, 321 U.S. 67 (1944); Thomson v. United States, 321 U.S. 19 (1944); Eastern-Central Motor Carriers Assn. v. United States, 321 U.S. 194 (1944); Cornell Steamboat Co. v. United States, 321 U.S. 634 (1944); United States v. Marshall Transport Co., 64 S.C. 899 (1944); Interstate Commerce Commission v. Jersey City, 64 S.C. 1129 (1944).

[13] S.E.C. v. Joiner Leasing Corp., 320 U.S. 344 (1943); Fed. Power Cmsn. v. Hope Natural Gas Co., 320 U.S. 591 (1944); J. I. Case Co. v. N.L.R.B., 321 U.S. 332 (1944); Medo Photo Supply Corp. v. N.L.R.B., 64 S.C. 830 (1944); N.L.R.B. v. Hearst Publications, 64 S.C. 851 (1944); Addison v. Holly Hill Fruit Products, 64 S.C. 1215 (1944). [14] Supra, note 5.

[15] McLean Trucking Co. v. United States, supra, note 12; I.C.C. v. Jersey City, supra, note 12.

more favorable than the left wing to the I.C.C., and less favorable when other types of regulation were concerned. Roberts, the only real economic conservative on the Court, voted against the regulation involved in 10 of the 12 cases in which he participated.

*Price Control.* War-time price control and economic stabilization measures were at issue directly or indirectly in six decisions during the term. In three cases, the Court upheld the contentions of the government, and these included the basic rulings affirming the constitutionality of rent control and commodity price ceilings.[16] In the other three cases, all involving the applicability of price control machinery in public utility rate-fixing, the Supreme Court gave a broad interpretation to the exceptions allowed public utilities in the price-control statutes, and rejected the contentions of the government price-control officials.[17] It will be noted that the left wing was split somewhat in these cases by the defection of Justice Rutledge, manifested principally by his dissent in the Yakus case holding that procedural provisions of the Price Control Act make possible conviction for crime in a proceeding lacking the full protection guaranteed by the Fifth and Sixth Amendments. Justice Murphy, who, as already noted, is the most sensitive member of the Court in protecting the rights of criminal defendants, went along with Rutledge on this ground. Justice Roberts voted against the contentions of the price control officials in every case, being the only member of the Court attempting to keep green the memory of the departed Panama Refining Co. and Schechter decisions by holding the Price Control Act guilty of unconstitutional delegation of legislative power.[18]

*Employer-Labor Cases.* This category comprises nine cases where there was a legal issue involving employer and employee, including National Labor Relations Act and workmen's compensation cases.[19] The reaction

[16] Bowles v. Willingham, 321 U.S. 503 (1944); Yakus v. United States, 321 U.S. 414 (1944); Steuart & Bro. v. Bowles, 64 S.C. 1097 (1944).

[17] Davies Warehouse Co. v. Bowles, 321 U.S. 144 (1944); Vinson v. Washington Gas Light Co., 321 U.S. 489 (1944); I.C.C. v. Jersey City, supra, note 12. Hecht Co. v. Bowles, 321 U.S. 321 (1944), is excluded from consideration, since it presented no real price-control issue.

[18] See his dissents in Bowles v. Willingham, supra, note 16, and Yakus v. United States, supra, note 16.

[19] Magnolia Petroleum Co. v. Hunt, supra, note 3; Brady v. Southern Ry. Co., 320 U.S. 476 (1943); Tennant v. Peoria & P.U.Ry. Co., 321 U.S. 29 (1944); Mahnich v. Southern S.S.Co., 321 U.S. 96 (1944); Case Co. v. N.L.R.B., supra, note 13; Order of Railroad Telegraphers v. Railway Express Agency, 321 U.S. 342 (1944); Tennessee Coal, Iron & R. Co. v. Muscoda Local No. 123, 321 U.S. 590 (1944); Medo Photo Supply v. N.L.R.B., supra, note 13; N.L.R.B. v. Hearst Publications, supra, note 13. The N.L.R.B. cases were also included in the business-regulation category. Several decisions are excluded in which labor was on both sides of the case, or where the Court's decision was not a clear victory for either side (Addison v. Holly Hill Fruit Products, supra, note 13).

of the justices on this issue is substantially what would be expected, with the left wing almost unanimous for labor, the right wing (Roberts excepted) generally for labor, and Roberts voting for the employers' contentions in every case.

*Judicial Review.* In five cases, the Court was called upon to decide whether in a particular set of circumstances it should broaden or narrow the scope of judicial review.[20] Three of these cases involved the jurisdiction of the federal courts to adjudicate issues arising under the Railway Labor Act. In the five cases, four decisions had the effect of narrowing judicial review. Justices Black and Frankfurter were most emphatic in their ideas on narrowing review, while Reed and Roberts were most concerned with expanding it.

*Federal Court Jurisdiction.* In four cases, the Court was asked to decide whether a legal controversy was subject to the jurisdiction of the federal courts, or whether it could be heard only in the state courts. The Court ruled in favor of federal jurisdiction in two cases, and against it in two.[21] Black opposed federal jurisdiction in all four cases, while Frankfurter and Roberts favored it in each instance.

*Federal-State Conflicts.* In eight cases, a legal issue was raised which directly or indirectly ranged the federal and state governments in opposition.[22] Included were such matters as the right of dry Oklahoma to seize liquor destined for the officers' club at Fort Sill, and the applicability of local property taxes to government-owned machinery leased to a defense plant. The Court's decision was for the federal government in seven of these eight cases. One should not be too hasty, however, in assuming that the Court has a definite bias toward the federal government, for the states won nine out of twelve federal-state cases during the 1942 term of the Court. Concerning the 1943 voting, again Roberts was the most extreme in deviating from the position of the Court, and Frankfurter was also on the state side of the fence. Justices Rutledge and Jackson took the federal point of view most strongly.

[20] Switchmen's Union v. National Mediation Board, 320 U.S. 297 (1943); General Adjustment Committee v. Southern Pacific Co., 320 U.S. 338 (1943); General Adjustment Committee v. Missouri-Kansas-Texas R. Co., 320 U.S. 323 (1943); Falbo v. United States, supra, note 11; Stark v. Wickard, 321 U.S. 288 (1944).

[21] Meredith v. City of Winter Haven, 320 U.S. 228 (1943); Demorest v. City Bank Farmers Trust Co., 321 U.S. 36 (1944); Flournoy v. Wiener, 321 U.S. 253 (1944); Great Northern Life Ins. Co. v. Read, 64 S.C. 873 (1944).

[22] California v. United States, 320 U.S. 577 (1944); Order of Railroad Telegraphers v. Railway Express Agency, supra, note 19; Johnson v. Yellow Cab Transit Co., 321 U.S. 383 (1944); Cornell Steamboat Co. v. United States, 321 U.S. 634 (1944); United States v. Allegheny County, 64 S.C. 908 (1944); Union Brokerage Co. v. Jensen, 64 S.C. 967 (1944); United States v. Saylor, supra, note 11; United States v. South-Eastern Underwriters Assn., supra, note 5.

*State Taxation.* An interesting series of five cases involving the constitutionality of various state taxes saw the Court upholding their validity in every case but one.[23] Roberts opposed the state tax in each of the cases in which he participated, and Jackson was in opposition in four of the five cases.

Does this analysis of judicial voting on some important public policy issues aid in discovering the "underlying differences of gospel" which have been assumed to exist on the Court? Can the divisions of opinion which caused such an unprecedented amount of disagreement during the 1943 term be summed up in any general formula? In the past, divisions on the Court have usually been explained as resulting from the clash of liberal and conservative viewpoints. There was obviously little scientific exactitude in such a classification. For example, it threw together as "liberals" Justices Holmes and Brandeis, who usually voted the same way but often for quite different reasons. But, on the whole, this analysis seemed to offer a workable explanation of judicial voting. The divisions during the 1937 term, charted in Table V, fall into this pattern, and the 1937 term was typical of the entire decade of the thirties.[24]

From the findings of Table VII, however, it is evident that if the terms "liberalism" and "conservatism" are to be given the meanings they have had in the past 25 years, there is only one conservative left on the present Court, Justice Roberts. The pattern of opinion evidenced by his votes—against civil liberties, against federal business regulation, against labor, in favor of broad judicial review, favoring the states as against the federal government, using the federal Constitution to block state taxing powers—these are all typical "conservative" reactions. But no other member of the present Court adopts this complex of ideas, or even any large part of it. Justice Frankfurter, who has been shown to be closest to Roberts, cast a majority of his votes on the same side with Roberts in only four of the ten categories used in Table VII. Other members of the Court come over to the Roberts position on occasion, but on balance their sympathies lie elsewhere.

The conservative-liberal dichotomy may be valid, then, in describing the division in the 13 cases where Roberts dissented alone. But what of the 67 other decisions where the eight "liberals" disagreed among themselves? In part, these divisions are still explicable in terms of differing degrees of orientation toward left or right. "Liberalism" is a realm broad

[23] Northwest Airlines v. Minnesota, 64 S.C. 950 (1944); International Harvester Co. v. Indiana, 64 S.C. 1019 (1944); McLeod v. Dilworth Co., 64 S.C. 1023 (1944); General Trading Co. v. Tax Commission of Iowa, 64 S.C. 1028 (1944); International Harvester Co. v. Wisconsin, 64 S.C. 1060 (1944).

[24] For an analysis of the divisions on the Supreme Court during the 1931–40 terms, see C. Herman Pritchett, "Ten Years of Supreme Court Voting," *Southwestern Social Science Quarterly*, Vol. 14, pp. 12–22 (1943).

enough for the development of its own left and right wings, between which divisions of opinion continue, though somewhat more confused, more bitter, and more frequent because the battle is at close range. Civil wars may be desperate and bloody.

This explanation, however, is not sufficient to account for all the divisions on the present Court. The contrast between the clear-cut pattern of dissent on the 1937 Court and the rather confused pattern of disagreement on the 1943 Court would seem to indicate that what was previously a one-front war has become one of global proportions. While there is perhaps a touch of "hyperbole in the sanguinary simile,"[25] it is true that alignments of a new sort are evident, and that a justice's relative liberalism or conservatism is increasingly inadequate to describe or explain judicial reactions. What are these new lines on which the Court is dividing? Professor Powell has recently suggested that the underlying difference between Black and Frankfurter, whom he takes as symbolizing two divergent tendencies on the Court, is in their conception of the judicial function. "A leaning for getting the result in the particular case as if it were a legislative choice," characteristic of Black, contrasts "with a leaning to respect the outlines and many of the details of an established legal system" in Frankfurter.[26] If this is correct, we must add a legislator-judge attitude scale to our equipment for the interpretation of Supreme Court divisions. Further digging in judicial psychology may yield other clues.

It is clear that the Supreme Court is going through one of the crucial periods of its history. There have been disagreements before, as already remarked, but the volume of dissent, and more particularly its changing character, marks off the present from previous crises. To some it seems that the Court is disintegrating, and the law along with it. A more sober view may recall Henry Adams' theory on the law of phase as applied to history, and conclude that the Court is passing through the painful process of change of phase out of which a new equilibrium will emerge.

## UNCONSTITUTIONAL LEGISLATION BY CONGRESS*

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The paragraphs that follow answer the same questions with respect to unconstitutional legislation by Congress that were answered with respect

[25] To use the happy figure of Justice Cardozo's dissenting opinion in Jones v. Securities and Exchange Commission, 298 U.S. 1 (1936).

[26] Supra, note 7.

* This discussion is an outgrowth of the Work Projects Administration, Official Project No. 165-1-71-154. A research grant was received also from the Graduate School Research Fund of Indiana University.

to unconstitutional legislation in the ten states (Colorado, Massachusetts, New Hampshire, Minnesota, Wisconsin, North Dakota, South Dakota, Illinois, Indiana, and New York) included in my study published in 1943 under the title, *Unconstitutional Legislation in Ten Selected States*. The congressional statutes and the decisions of the Supreme Court analyzed herein are based upon the list found in Professor Charles Grove Haines, *The Doctrine of American Judicial Supremacy*. The reason why this list was chosen as the basis for analysis was that it covers approximately the same period, namely, from the beginnings to the early thirties, not including the period of the New Deal which formally began in 1933. This does not mean that there is no point in analyzing the later statutes and decisions, but that for purposes of comparison it was thought safer to restrict this analysis to the same general period for both state and national materials. The three cases under No. 1 in the Haines list have been omitted because no decrees based on invalidity followed their decision.

The methods here utilized are not new, having been used by this author before, and by other writers such as Professor Herman Pritchett, writing in this REVIEW. It should be clearly understood that this author offers these materials only as supplementary to the studies by Judge Edgerton and Professors Corwin, Cushman, Powell, and others. It is thought that some new phases of the American experience with judicial review may be brought to light by a variety of methods of analysis, and the method here used is offered as only one of many which might and ought to be utilized.

The method here used should not be confused with the statistical method. It is merely a layman's numberwork, which in the words of Professor William Anderson "is the lowest form of statistics." It will be recalled by some that Professor Anderson counted the units of local government. This study is of somewhat the same character. The method used is described in Section 1 of the monograph referred to above, and the search guide used in gathering the materials is reprinted in that section, so that it is unnecessary to set it forth here.

Question 1. *What is the chronological distribution of the sixty-one decisions under review here?* Question 2. *What is the chronological distribution of the statutes involved in these sixty-one decisions?*

These two questions have been stated together because it is easier to present the two sets of materials in a composite set of figures. Arranged by decades beginning with 1860 (because the statutes and decisions prior to that time were so few), the data are as follows.

| | 1860–69 | 1870–79 | 1880–89 | 1890–99 | 1900–09 | 1910–19 | 1920–29 |
|---|---|---|---|---|---|---|---|
| Statutes | 13 | 13 | 2 | 5 | 7 | 14 | 3 |
| Decisions | 4 | 9 | 5 | 5 | 10 | 7 | 19 |

With respect to statutes, the striking point is that over approximately

half of them were enacted during the Civil War and Reconstruction period and during the period of World War I, preparedness, war, and reconversion to peace.

It may be remembered by those who studied the monograph dealing with the ten states that a surprising amount of unconstitutional legislation was enacted during the sixties and seventies, just as was true in Congress. But there was a larger upswing of invalid legislation between 1890 and 1910 in the states than in the national government.

With respect to the distribution of decisions before and after 1900, the figures for the ten states studied were: before 1900, 43 per cent; after 1900, 57 per cent. Of the 61 decisions by the Supreme Court, 27 in all were before 1900, while 34 came after 1900. These constitute, in terms of percentages: before 1900, 44 per cent; after 1900, 56 per cent. This amazing similarity, almost identity, of distribution may have been purely accidental, but it may reflect the trends in decisions that were mentioned in the study of the ten selected states.

With respect to statutes, the distribution of statutes in the ten selected states before 1900 was 51 per cent; after 1900, 49 per cent. Unconstitutional congressional statutes enacted before 1900 that were involved in Supreme Court decisions totaled 61 per cent; after 1900, 39 per cent. It should be reiterated that one would expect to find a divergence of the number of statutes and decisions occurring before and after any given date, because of the lapse of time that occurs between enactment and decision. When the author noticed this divergence, he wondered whether a longer period might have elapsed between enactment and decision in the national government than in the states. This problem will be the subject of a later question, but it may be noted here that the average life of invalid congressional statutes was three years longer than the average for the ten states. When this is considered, it accounts in large part for the difference found to exist between the distribution of statutes before and after 1900 in the states and in the national government.

Question 3. *What were the subjects dealt with in the sixty-one statutes which the Supreme Court held unconstitutional?*

| | *Gov't.* | *Courts* | *Taxes* | *Business* | *Property* | *Labor* |
|---|---|---|---|---|---|---|
| | | | *(in percentages)* | | | |
| Congress | 21 | 16 | 28 | 16 | 2 | 3 |
| Ten states | 28 | 18 | 12 | 18 | 8 | 3 |

One subject which did not appear in the states, but which appears in the congressional statutes, is personal liberty, which is found to constitute 13 per cent of the statutes. The main reason for this is that slavery and involuntary servitude have bulked quite large in certain national controversies and have also been dealt with by the national Constitution, but have been almost absent in the legislation in the states studied in the

monograph. As the original study was conceived, it was to have included some Southern states, but as it was eventually executed it was necessary to close the study before it could be carried into those states.

In general, it is noticeable that several of the subjects are represented by very similar distributions in terms of percentages. Those which differ are usually explicable, such as the difference in "property," which includes many eminent domain statutes. Also, the states have as their sphere of legislative activity the enactment of much legislation relative to property which does not, or at least did not, fall within the scope of congressional authority as that authority was construed during the period covered in this analysis. Similarly, it is only to be expected that the many constitutional details included in state constitutions concerning the structure of government, both state and local, would give rise to many more decisions in this field than in the national government.

Question 4. *Who were the parties in the litigation in which these statutes of Congress were held to be unconstitutional?*

The parties plaintiff are always the most interesting in these cases, and of course the record in the Supreme Court does not always show which party was the plaintiff on the record originally, unless the record is scrutinized with some care. The parties plaintiff in these cases were analyzed and classified as follows (in percentages): private citizen, 46; corporations, 7; the federal government, 31; state officers, 2; federal officers, 10; states, 2; and miscellaneous, 2.

When the cases in which corporations were the plaintiff were analyzed, an attempt was made to include such actions as stockholders' suits against corporate officers which might just as easily have been by the corporation against a governmental officer. But even when such cases are included, the number is very small. The result of this analysis brings to light much the same fact that was brought out in the state cases, where slightly less than 12 per cent of all cases studied were initiated by private corporations.

Question 5. *Are there many cases in which both parties are private citizens or corporations or both, and in which no governmental unit or officer is represented?*

Nine cases out of the sixty-one disclosed neither governmental units nor officers as parties plaintiff or defendant, and no evidence of either official or governmental representation in the case at any stage. This is nearly one-seventh of the cases. In the states, about 23 per cent of the cases, on the average, were decided with no official participation in the case. This is somewhat higher than the percentage of cases in this class in the Supreme Court, but both percentages are far too high. In fact, it is the contention of this author that no case involving constitutional issues to which private parties are parties, as private parties, should be decided without opportunity being given to proper governmental representatives

to appear and participate in the proceedings. The present system of anarchical popular sovereignty in the right to have constitutional litigation determined as a matter of private and only private right is a natural result of attempting to utilize the common law theory of litigation in matters which are public as much as private. This problem is discussed at some length in the monograph referred to above.

Question 6. *What were the forms of action used in these cases?*

The forms of action were classified under the following headings and yielded the results below (in percentages), which are compared with the averages for the ten states.

| | *Mandamus* | *Criminal* | *Injunction* | *Quo Warranto* | *Civil* | *Tort* | *Misc.* |
|---|---|---|---|---|---|---|---|
| Federal | 3 | 36 | 8 | 0 | 36 | 0 | 16 |
| Ten states | 16 | 13 | 16 | 4 | 22 | 9 | 20 |

These actions were the ones that were brought in the courts of first instance, not in the Supreme Court. Mandamus, except in the District of Columbia and except as an ancillary action, is not used in the federal courts, and for that reason one would expect a small number of cases to fall under it. Criminal and civil actions rank high in both jurisdictions, and this, too, is what one might expect, in view of the subjects with which the statutes deal.

Question 7. *How many of these cases were initiated by injunction?*

Because of the interest in, and controversy about, the injunctive remedy, particularly in the federal courts, during the last several decades, an analysis was made of these cases. Only five cases fell into this group, constituting 8.1 per cent of the total. The state averages are much higher than this percentage. New Hampshire alone was below the federal average. It seems clear that injunction during this period was not any more successful as a remedy than many of the others. This is as one might expect, because injunction is expressly forbidden to the federal courts in some types of cases, such as tax litigation.

The subjects involved in these injunction remedies are not significant, being distributed in the same manner as the total distribution. Nor is there any significance in the parties plaintiff in these cases.

Question 8. *How long were these statutes on the books before they were declared unconstitutional?*

The answer is that they were on the books for an average of ten years and five months, which was about three years longer than the average for the ten states and twice as long as the life of the statutes that were involved in several of those states. I shall not attempt to make a complete analysis of this problem at this time, but it may be remembered that in the monograph I expressed the opinion that herein lay one of the vital weaknesses in the operation of judicial review of legislation. All the con-

siderations that were mentioned there apply with even greater force to congressional statutes and the procedure for declaring them invalid, and some additional ones must be considered in a final evaluation of the procedures utilized by the Supreme Court in this work. The situation is very serious and could long since have been remedied by both bench and bar had it been clearly realized.

Question 9. *Under what constitutional provisions were these decisions made?*

Between the several state constitutions within the states studied in the selected group there were some differences, but many of them were so nearly identical that it was possible to compare them. Between the constitution of the United States and the constitutions of these ten states some differences exist also, but many features, such, for example, as the bills of rights, are surprisingly alike. The decisions were classified in percentages as follows (when more than one provision is involved, the decision is listed under each provision): governmental structure relations, 13.1; courts, 13.1; commerce, 13.1; bill of rights, 37.7; taxation, 9.8; suffrage and elections, 4.9; foreign relations, 1.6; not entirely clear, 6.5.

The first great difference between the federal decisions and the state decisions is that the large group of decisions invalidating statutes because of procedural irregularities in the process of enactment of statutes is absent in the federal group. Federal statutes have tended to be invalidated primarily because of conflict with substantive provisions or because of provisions regulating judicial rather than legislative procedure.

In the states, about 30 per cent of the statutes that were involved fell under the bill of rights, while 37.7 per cent of the federal statutes that were involved in the Supreme Court decisions fell under this heading. This seems to have justified the opposition to the Constitution during the debates on ratification ending in a promise of a bill of rights limiting the national legislature.

Question 10. *Are many of the decisions of the Supreme Court holding congressional statutes invalid rendered by a divided court?*

The answer is that there are a good many, about 50 per cent. This is a much higher percentage than was found in the state cases, being twice as high as in New York, the state having the highest number of divided opinions, and is many times higher than in many of the states, Massachusetts going as low as four per cent.

Question 11. *Are decisions by a divided Court increasing in this group of cases?*

They are increasing. The percentage of decisions by a divided court before 1900 was 19, as compared with 31 after 1900. This follows the same trend as in the states.

Question 12. *Were the subjects of statutes involved in cases having dis-*

*senting opinions markedly different from the statutes involved in the whole group?*

An analysis of the statutes involved in the cases with dissenting opinions showed that the distribution of subjects conformed to that in the whole group to an amazing degree, 28 per cent of these statutes dealing with taxes and 13 per cent with civil rights. The other subjects dealt with were distributed evenly in both groups. The answer to this question indicates clearly that dissenting opinions cannot be accounted for on the basis of a distinctive subject-matter dealt with in the legislation that comes before the court.

Question 13. *Are decisions by a bare majority increasing in decisions holding statutes of Congress unconstitutional?*

Thirteen per cent of these decisions were by a bare majority of the Supreme Court, and this is more than twice as high as the percentage which was the average for the ten states.

Question 14. *Are bare majority opinions increasing?*

Bare majority opinions have increased since 1900, two decisions before 1900 falling in this class, while six decisions after 1900 were given by a bare majority of the court.

Question 15. *How long are majority opinions in the Supreme Court in the cases holding congressional statutes to be invalid?*

The average number of pages in the majority opinions was 13.5 pages. This compares with state averages ranging from 5 to 10 pages, with several states having an average of 6.

The Supreme Court opinions are longer than those in the ten selected states, being twice as long as those in several of the states. This writer has become convinced that the length of judicial opinions is not a superficial matter in the judicial process, but a matter of very considerable importance. Basing his opinion upon the considerations that were set forth in the monograph dealing with the ten states, he believes that he is on firm ground in thinking that most, if not all, opinions that are thirteen pages long are the worse for every page beyond seven or eight or even six. No little portion of the cause for confusion among judges on the federal and state courts, the federal and state bars, and the public in general, as to what the rules of constitutional law are arises from the fact that Supreme Court opinions are full of irrelevant matter, and are models of bad judicial writing. Supreme Court opinions are often little more than bad expositions of history and repetitious citations of previous decisions, many of them irrelevant and taken from counsel's briefs at their face value (let it be recalled that I am not dealing with the Supreme Court of today). and paragraph after paragraph of dicta and irrelevant facts are to be found in many of these opinions. Much good could come from a candid reconsideration of the rôle of opinion in the judicial process. Many con-

temporary students seem to consider the opinions as more important than the judgments. It must be remembered that the courts are primarily to decide cases, not to talk about them. After all, it is the judgment that the opinion is to explain. If that were the test, most of the opinions could be written in five pages and with no loss and much gain to everybody concerned, including the Court itself.

Question 16. *What percentage of the cases coming to the Supreme Court were reversed?*

The problem of reversals was discussed in Section 9 of the monograph dealing with the states. The problem is of interest in connection with judicial administration. Can any other court inferior to the Supreme Court be entrusted with the work of final decision, assuming that the decision of the Supreme Court in each case is the correct decision?

With respect to the similarity of judgment on constitutionality in the courts of first instance and the Supreme Court, of the sixty-one cases here studied, 41 per cent were reversed by the higher court. Distributing these: 37 per cent of the cases coming to the Supreme Court before 1900 were reversed; while of those coming after 1900, 44 per cent met with reversal. In other words, reversals of the courts of first instance were increasing. This may be owing to a number of factors, such as the growing complexity of constitutional interpretation or to confusion in the holdings of the high court itself.

Turning to the treatment accorded the higher appellate courts by the Supreme Court, 46 per cent of the decisions in the Supreme Court reversed the decisions of the courts from which the cases were appealed to that court. The distribution with respect to 1900 is as follows: before that date, 37 per cent; after it, 53 per cent. Here again, the tendency for reversals to increase after 1900 is noticeable.

*Conclusion.* It should be noted that there is a striking similarity between the data in the states and in the national government in so far as judicial review by their supreme courts of the acts of coördinate legislative bodies is concerned. This study has not dealt with the Supreme Court's work in reviewing acts of state legislatures, which is a phase of federalism as much as it is a phase of judicial review.

## MISSOURI'S PROPOSED NEW CONSTITUTION

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A new constitution will be submitted to the voters of Missouri at a special election on February 27, 1945. It was drafted by a bi-partisan

* Delegate-at-large to the constitutional convention.

convention which met on September 21, 1943, and adjourned *sine die* on September 29, 1944, after spending 215 days in session. The convention was authorized by the voters, under the twenty-year rule, in November, 1943, and 68 senatorial district delegates and 15 delegates-at-large were elected in April, 1943. One of the latter, an anti-New Deal Democrat, was agreed upon by the state committees of both major parties, and later became president of the convention.

The great majority of delegates were conservative, but constructive in their attitude. They expressed confidence in the voters and in local self-government, and insisted on definitely checking all public officials and agencies. In general, the more liberal delegates were older men, with long and distinguished records of public service and without further political aspirations; the more conservative delegates were generally younger men, with less political experience. A bare majority were lawyers. The others represented some twenty different business and professional groups, including four college professors and two women.

The convention differed from previous ones in three important respects. Several research manuals were prepared in advance for the use of delegates; all committee meetings, as well as the convention sessions, were open to the press and the public; and the committee of the whole was not used in the proceedings, although authorized by the rules.

Each of the 377 proposals introduced was referred to one of the twenty committees on revision. These committees held public hearings for about three months, giving every citizen and every organization in the state an opportunity to express opinion on each proposal. Most committees invited public officials and experts to appear and to assist in the revisions. During the next two months most committee reports were drafted and filed, after which each was considered in the convention section by section, without limitation on debate.

The convention made no changes in the broad fundamental set-up of state and local government. It retained the principles of separation of powers and checks and balances, including the bicameral legislature. It also retained all amendments recently adopted by the voters, with only minor changes in language. Otherwise, it revised and modernized the entire constitution, eliminating antiquated provisions and much statutory detail, clarifying and simplifying language, and rearranging provisions. The number of articles was reduced from 15 to 12, and the total length by some 11,000 words.

A number of "directive" and permissive provisions were incorporated which might lead the casual reader to suspect that a state has delegated rather than inherent powers. Such provisions relate especially to agriculture, education, forestry, health, hospitals, libraries, museums, parks, recreation, and welfare.

The convention submitted the new constitution as a whole because a thorough revision could not be made by separate amendments; the constitution of 1875 has been amended sixty times and no longer possesses a logical organization. The new articles are so interdependent that it was not feasible to submit them separately.

The principal changes are as follows:

*Bill of Rights.* Among the few alterations necessary to adapt the bill of rights to modern conditions are: prosecutors may take depositions within the state in criminal cases; excess condemnation is authorized; women are made eligible for jury service; freedom of speech and of the press is extended to all means of communication; and the right of employees to organize and bargain collectively is recognized.

*Legislative Department.* One-third of the members of either house may at any time take a bill from a committee for consideration by the house itself, and each committee is required to keep a public record indicating how each member voted on every bill. If a senator or representative accepts any lucrative office or employment under the United States, the state, or any municipality, he thereby vacates his office. No act may be initiated by the voters earmarking funds unless the act itself provides the funds by an additional tax. Periodic senatorial redistricting is required through a bipartisan commission appointed by the governor from lists furnished by the state committees of the two dominant political parties.

*Executive Department.* This department has been extensively reorganized. The cabinet idea largely prevails, even though, contrary to the recommendation of the committee, the convention retained the elective attorney-general, secretary of state, and treasurer. The governor is given the power to assign each of some seventy existing boards and bureaus to that division of the executive department to which its work is germane. A merit system is required in the state hospitals, penal institutions, and reform schools, the last-mentioned being classified as educational, not penal, institutions. The regulations and rules of all boards, bureaus, and administrative agencies must be filed with the secretary of state ten days before becoming effective. A department of revenue is provided for, to include a division of collection and a division of budget and control. The collection of all state taxes, licenses, and fees, now carried on by ten different agencies, is centralized in the division of collection. The duties of comptroller are added to those of the budget director. Under the direction of the governor, the comptroller will supervise all expenditures and examine all claims and accounts before certifying them to the state auditor for payment. By this means, payments by the state must first be approved by two departments instead of one. In anticipation of a post-war federal road construction program, new highway provisions are included; and the authority of the highway commission is enlarged.

*Judicial Department.* Aside from retaining the non-partisan plan of judicial selection, this article has been thoroughly revised. The right of the supreme court to make rules of practice and procedure for all courts is expressly recognized. The supreme court may transfer judges temporarily from one court to another, and exercise a more extensive power in reviewing opinions of appellate courts. Provision is made for the removal, after a fair hearing, of judges who have become permanently incapacitated. No appellate judge may continue in office after becoming 75 years of age. A system of magistrate courts replaces the justices of the peace, with at least one magistrate for each county, the number increasing as population increases. All probate judges and magistrates must be lawyers, except those now serving. All judges are placed on salary and the fee system is abolished.

*Local Government.* Important changes have been made in this article. The new constitution authorizes four classes of counties, which will permit a simpler government in the smaller counties of low assessed property valuation. Any county whose population is over 85,000 may draft a charter for its own government. The general assembly may provide alternative forms of government for any class of counties. Provision is made for the voluntary consolidation, dissolution, and partitioning of counties, and for the coöperation of two or more counties, not in excess of ten, in the performance of any governmental function. The fee system for law enforcement officers in all counties, and for all officers, except public administrators, in the larger counties, is abolished. Municipal home rule, now applying only to Kansas City and St. Louis, is extended to cities of 10,000 or more inhabitants. A new section on the relationship of St. Louis county and St. Louis city offers these areas additional means of solving their complicated problems. The new constitution authorizes the consolidation of city and county functions in any county of the state. Minor changes are made in the limitations on local debts; the amount of general obligation indebtedness that may be incurred by cities is slightly increased. Also, by a four-sevenths majority, any city may issue revenue bonds for the purchase or construction of its own municipal utilities. The new constitution directs that local governments and municipally owned utilities shall prepare annual budgets, file annual reports of their financial transactions, and be audited, in the manner prescribed by law.

*Education.* The new article provides a more flexible school system. It establishes a bipartisan board of education composed of eight lay members appointed by the governor for overlapping terms, replacing the present ex officio board. The board's principal function is to select a state commissioner of education, who supplants the elective superintendent, and to advise with him on general educational policy. The minimum age limit

for pupils in the public schools is omitted, and the maximum is increased from twenty to twenty-one years. This change makes public kindergartens possible and permits an extension of education on the secondary level. Provision is made for adult education and for area schools. Financial aid for public libraries is made a state responsibility.

*Taxation.* The most important change here is a provision for the classification of property for tax purposes, as (1) real estate, (2) tangible personal property, and (3) intangible personal property. The last two classes may be subdivided by law, and different tax-rates may be applied to each class. Intangibles are to be taxed on the basis of yield, not to exceed eight per cent thereof; and although this tax is to be laid and collected by the state, the proceeds are to be returned to the local units of government. The maximum limit on the general property tax-rate for state purposes is reduced from fifteen to ten cents per hundred dollars of assessed valuation; while the maximum rate for most school districts, cities, and counties has been slightly increased. The voters in any unit of local government may, by two-thirds majority, increase the rate, but the general assembly may place restrictions on such increases. Special levies may be authorized by law for library, hospital, health, recreation, and museum purposes. In order to encourage reforestation and the rehabilitation of blighted areas, partial relief from taxes on new improvements may be granted by law for a period of twenty-five years.

*Miscellaneous Changes.* The trial of impeachments is transferred from the state senate to the supreme court, except in the cases of the governor and members of the supreme court, who must be tried before a commission of seven eminent jurists elected by the senate. Election contests for state offices have been transferred from the general assembly to the supreme court. Absentee voting privileges are extended to qualified voters without, as well as within, the state on election day. The new article on corporations, which is much briefer than the old one, reflects present-day business and economic conditions, rather than those prevailing in 1875. Three minor changes are made in the amending process.

## UNITARY-MULTIPLE ELECTION DISTRICTS

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An important innovation in the method of filling elective offices in multiple-member districts, applicable to the federal, state, and local governments alike, was inaugurated in Oregon in 1893 by an act providing that the several judges of the circuit court for Multnomah county

should be elected by "departments," consecutively numbered.[1] Similar action was taken in the case of the district court for Multnomah county in 1913.[2] Likewise, an act of 1929 provides that the offices of the seven judges of the supreme court shall constitute seven "positions" and be so indicated on the ballot.[3] The charter of the city of Portland was amended in 1934 to apply the "position" principle to the four city commissioners.[4] Next, the three circuit judges of the second district became elective by "positions" in 1935,[5] and so, in 1941, did the two circuit judges of Linn county.[6] At the 1941 session of the legislature, a futile attempt was made to do the same thing for the thirteen members of the state house of representatives from Multnomah county.[7]

When the voters of any district are limited to the selection of a single officer, the "short ballot" simplifies the voters' task in choosing from among candidates at the election, prevents the "single-shotting" more or less prevalent in multiple districts, and discourages small pluralities. But in reducing these difficulties, it at the same time promotes others. In case of any office, the narrow range of choice is likely to reduce the quality of the officers. When the office is legislative, the incumbent is likely to be "district-minded" and "machine-controlled," and so to neglect the general interests for those of the district or those of the local politicians. Such considerations were urged in favor of the compromise involved in the "position" method employed for the Portland commissioners and the representatives from Multnomah county;[8] and they are, of course, applicable, in a degree, to the judges.

The voters' task is made easier under the new system; for, although the length of the ballot as a whole is not necessarily reduced, the voter may more readily compare the merits of the few candidates within the several groups than he can compare the merits of all the candidates running together. However, at the same time his range of choice is narrowed. He may possibly even favor none of the candidates for one position and all of them for another. But the chances are, of course, that the more desired and the less desired will be scattered more or less evenly among the several groups.

Election by small pluralities is discouraged by the new method. In Multnomah county, where now thirteen members of the house of repre-

[1] Oregon Laws, 1893, p. 50; 6. O.C.L.A. Sec. 93–216. An act of the same session applying the "department" system to another district did not affect *elections*. Oregon Laws, 1893, p. 63, L. 1933, Ch. 105; 6 O.C.L.A. Sec. 93-208-10.

[2] Oregon Laws, 1913, Ch. 355; 1929, Ch. 156; 6 O.C.L.A. Sec. 93-405.

[3] Oregon Laws, 1929, Ch. 241; 6 O.C.L.A. Sec. 93-102-4.

[4] Portland (Ore.) Charter, Sec. 127 (1934).

[5] Oregon Laws, 1935, Ch. 14; 6 O.C.L.A. Sec. 93-203.

[6] Oregon Laws, 1941, Ch. 470. Sec. 8.

[7] Oregon House Bill, 1941, No. 401. Indefinitely postponed, 43 to 17.

[8] *Oregon Voter*, Nov. 3, 1934, Mar. 1, 1941; *Oregonian*, Feb. 25, 1941.

sentatives are elected and upon occasion several times that many nominated, it is "anybody's race," and "almost anybody" can be elected. Small pluralities are the only basis of hope for unknown and for particularly undesirable candidates. But competition for "positions," as shown in the case of the Portland commissioners, is likely to be uneven; for other competitors are inclined to seek the position of an incumbent in reverse order of his "popular strength." This could be prevented by provision that candidates be apportioned, as equally as may be, by the proper authority, among the several positions in order of application.

However, this would frustrate what was probably the chief object of the "position" method of election, in the case of judges and commissioners, i.e., to eliminate competition, with attendant "animosities," among incumbents for reëlection.[9] "It prevents the judges and their friends from getting mixed up at election time with other judges and their supporters."[10] And this holds true for the Portland commissioners.[11] Judges in multiple-member districts are thus given the same advantage as those in single-member districts, who have acquired something like a "vested right" to office and seldom meet serious opposition at an election —sometimes, unfortunately, to the detriment of the quality of the bench. How much "harmony" on the bench and in commission has actually followed the elimination of competition among the members is uncertain.

The method has been advocated also as favoring the reëlection of able incumbents and the elimination of weaker ones. "There has seemed to grow up a practice [under the old system] of either no one wishing to run against members in office, or else there would be quite a numerous group of persons who would aspire to the [supreme] court; in either of which events it was felt that it gave an undue advantage to the incumbents . . . . By having [the candidates] run for positions, it was thus possible for the bar as a whole and the people generally to keep reëlecting those they felt should be reëlected, by not putting up candidates in opposition, while at the same time enabling the putting up of candidates in those cases where it was felt that the court could be strengthened by the change."[12]

It is, of course, easier for the candidate to conduct a campaign against a reduced number of competitors. However, confusion of issues, should there really be any, is likely to be promoted by a system that restricts candidates to one of several groups, but reserves the choice to the voters of the whole district.

[9] Under the statutes, there is nothing to prevent an incumbent from becoming a candidate for a position held by another, and he might actually be inclined to do so should it appear that declared competitors for "his own" position were "stronger" than he, and those for another were "weaker."

[10] Cochran E. Eberhard, letter, Apr. 18, 1941.

[11] *Oregon Voter*, Nov. 3, 1934.

[12] John H. Carkin, letter, Apr. 23, 1941. Also Cochran E. Eberhard, letter of Apr. 18, 1941; William M. Knight, letter of Apr. 24, 1941.

# PUBLIC ADMINISTRATION

## FAYOLISM AS THE NECESSARY COMPLEMENT OF TAYLORISM

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World War II has called forth greater organizational and administrative efforts than ever before on the part of the armed forces, private industry, and government. The sheer size of the new organizations that were formed to fight battles, manufacture *matériel*, and administer government programs has intensified the problems of top management and executive control, as well as the technical problems of military operations, supply, and industrial production. Great dynamic changes in society always afford occasion for reappraising basic philosophies, and these significant changes in the scope and scale of our great enterprises are no exception. The field of management is perhaps less spectacular, less open to popular discussion than are the issues of foreign policy and of government participation in the national economy. But effective management of our enterprise is of fundamental importance to a successful conclusion of the war and subsequent maintenance of peace. The demands of the war on the home front have stimulated much re-thinking of the theories of government and business administration. This article is concerned with the relation between the basic theories of two of the greatest contributors to the field of management—Frederick Taylor and Henri Fayol.

We all know what the task of organizing for war has been during the past four years. Arms production of undreamed of magnitude had to be developed in a matter of months. To produce the vast number of planes, tanks, and ships, new enterprises sprang up over night and existing ones expanded to many times their original size. Similarly, the federal government, in addition to creating tremendous staffs in the War and Navy Departments, had to develop quickly "administrative leviathans" to control prices and ration goods, allocate industrial production, and direct the production and distribution of foods. War-time control had to be exercised to an unprecedented degree, frequently for hitherto unregulated matters, in connection with oil, censorship, transportation, manpower, and the like. Besides a need for more technical personnel in industrial production, there developed a need for people able to organize and direct large new enterprises.

To meet the immediate problems of military supply, it was quite nat-

* The views expressed in this article are those of the author only and are not to be attributed to the agency with which he is connected.

ural that industrial engineers and scientists should come to the fore. They, and they alone, could develop planes, tanks, ships, and guns, convert existing manufacturing plants, and build new ones. Shortages of manpower and material made more efficient methods of production imperative. During this period, the scientific management movement begun by Frederick Taylor has been of greater assistance than ever before. Without it, United States industry might never have been prepared to turn out its miracles of production.

Giving all due credit to the achievements on the assembly lines and in the laboratories, however, we are apt to overlook the importance of administrative management. The crucial executive rôles of general managers and of department and division heads, both in industry and in government, tend not to be fully appreciated.[1] In part, this is because of traditional notions, firmly entrenched in the mind of most Americans, that the really difficult tasks are those of engineering and science, which require many years of study and experience, while administration or management is something that any one can do. Andrew Jackson and the political spoils system gave prevalence to the idea that one citizen is as good as another for doing a government job; while in industry nepotism has tended to curtail professional preparation for top management. That these attitudes are still part of the warp and woof of the American mind has been shown in the evaluation of occupations by the Selective Service System. Scientists and engineers, regardless of age or family responsibility, until recently have often been deferred—some simply on the ground that they were chemists or physicists, irrespective of actual work in war production —while persons engaging in administration have usually been drafted regardless of their responsibilities.

In the history of the scientific management movement in the United States, there has been a retarded development of commonly accepted principles concerning the functions of the chief executive and his principal department and division chiefs. Taylor did not go beyond the foreman, who, though a supervisor, was immediately in charge of getting more production from his men right in the shop or on the assembly line. The great movement stemming from his work has emphasized detailed procedures in the shop. On the other hand, students of public and business administration have emphasized the need for persons concerned with top policy formulation to have a broad background in economics and political science. The area neglected by both is the training and education of executives for their responsibilities in administrative management.

Not until 1921 did the Taylor Society turn its attention to the functions of the chief executive, when it created a special committee to study the

[1] Considerable attention, however, has been given to the development and training of foremen.

problems and report to the Society. Since this committee could not agree as to what the executive functions were, however, the chairman, John H. Williams, presented only his own opinion in a paper on the subject, "A Technique for the Chief Executive."[2] An important volume published in 1929, *Scientific Management in American Industry*, edited by H. S. Person, included three articles on general administration: "Research for General Administration," by R. W. Burgess: "General Administrative Standards," by Howard Coonley and J. H. Barber; and "General Administrative Control," by John H. Williams. By and large, however, those statements dealt with broad business and economic policy and with budgeting as a technique of the executive, rather than with top management as a problem in itself. Thus, while great strides were being made on the production line, top management remained largely an unexplored area.[3]

Doubtless "Fayolism" and Taylorism" mean many things to many people; and we must agree on a more concrete statement of each before we can see them clearly in relation to each other. In the brief space afforded here, we cannot present these theories in any detail. But in order to see the fundamental relation between them, and to see how they fit into the thought on the whole problem of a government or private enterprise, it is necessary to recall their distinct contributions. Thus, at the risk of over-simplification, let us set forth the essence of Taylor's contribution and follow this with an outline of Fayol's contribution.

*Taylorism.* In relation to the whole of an enterprise, Taylor's contributions were made at the technical level, that is, in the shop where manufactured products were being turned out. He focussed his attention, not on top management, but on the individual worker at the bottom of the hierarchy in the shop or yard in which he worked. As John H. Williams has observed, while Taylor is the father of "scientific management," he is not the father of "managment as a function of the executive."[4] Thus, Taylor defines the art of management as "knowing exactly what you want men to do, and then seeing that they do it in the best and cheapest way."[5] His four main "principles of management" are (1) a large daily

[2] *Bulletin of the Taylor Society*, VII (Apr., 1922).

[3] A similar general lack of attention to this area has prevailed in public administration. In reviewing the important recent works of two eminent political scientists on the presidency—*The American Presidency* by Harold J. Laski and *Presidential Leadership* by Pendleton Herring—Professor Charles E. Merriam called attention regretfully to their omission of consideration of the President's rôle in administrative management ("The President: Leader and Manager," *Public Administration Review*, Vol. 1, pp. 74–76 (Autumn, 1940).

[4] "Management as an Executive Function," *Bulletin of the Taylor Society*, IX (Apr., 1924), p. 68.

[5] F. W. Taylor, *Shop Management* (New York, 1912), p. 21.

task carefully planned and laid out for each worker, (2) standard conditions, in size of task and in tools, (3) high pay for success, and (4) loss in case of failure.[6] His primary selling point to doubtful entrepreneurs, which also reflected the main problem with which he was concerned, was that through his method there could be achieved both lower costs and higher wages. Taylor reasoned that the largest element of cost is labor and that great numbers of men are involved at the technical level; hence, by scientific study not only could these costs be reduced but wages could be increased through increased efficiency in production. He states that the principal objective of his book, *Shop Management*, is the explanation of scientific time study, which is the most important technique of scientific management.[7] Out of this concentration he developed his piece-rate payment system as an incentive to the more industrious workers.

In working with the ordinary workman, however, Taylor was impressed by his natural limitations, and the consequent need for restricting the operation he was to perform. To overcome these limitations, he maintained that two sweeping changes would have to be made in the art of management: (1) separation of planning from performance—in Taylor's words, "all possible brain work should be removed from the shop and centered in the planning department"; and (2) substitution of "functional management" for the military type. "Functional management," he said, "consists of so dividing the work of management that each man from the assistant superintendent down shall have as few functions as possible to perform."[8] His planning department was to be adjacent to the shop, similar to the engineering drafting room rather than to the planning office of the general manager. Moreover, functional management necessitates four types of foremen in the planning room—order of work and route clerk, instruction card clerk, time and cost clerk, and shop disciplinarian—, and four types of foremen in the shop—gang bosses, speed bosses, inspectors, and repair bosses.[9]

To define Taylorism in the restricted sense above is not to say that the

[6] *Ibid.*, pp. 63–64.

[7] *Ibid.*, p. 58.

[8] *Ibid.*, p. 99. It is significant that these two additional features, which he says must replace the "military" type of organization, with its unity of command, are also couched in terms of the shop and not of top management.

[9] *Ibid.*, pp. 101–102. This latter idea has been perhaps the most questioned part of Taylor's theory on the grounds that it violates unity of command and that the higher up in the line of control the greater the difficulties resulting from the violation. L. Urwick, "Organization as a Technical Problem," *Papers on the Science of Administration*, edited by L. Gulick and L. Urwick (New York, Institute of Public Administration, 1937), p. 52; H. Fayol, *Industrial and General Administration*, trans. by J. A. Couborough (London, 1930), pp. 50–53. See also Henry Farquhar, "The Anomaly of Functional Authority at the top," *Advanced Management*, Vol. 7, pp. 51–53 (Apr.-June, 1942).

followers of Taylor and the Taylor Society have not thought about the administrative problems of the chief executive. A review of the journals of the Society, however, reveals that proportionately very little space has been devoted to this problem and that John H. Williams has perhaps contributed most. As noted above, Mr. Williams was chairman of the committee appointed by the Taylor Society in 1921 to develop the functions of the chief executive. The reasons he gives for this committee's not being able to reach any agreement by April, 1922, are significant:[10]

"Our chief difficulty has been to get a clearly defined idea concerning the exact field which such a section should cover. Some feel that it should include the functions of the controller, others the functions of the treasurer, and others, of whom I am one, think it should include the functions of every major executive, but always from the viewpoint of the chief executive.

"Some, while recognizing the difference in viewpoint between the chief and the major functional executives are unable to see that this difference is sufficient to warrant separate discussion. Quite a number, especially the accountants, are unable to see anything in what is suggested other than administrative accounting."

Mr. Williams, in his own report on the subject, said that "the job of the chief executive is as concrete as the job of the production manager, the sales manager, and a number of other executives whose functions are hardly less complex though on a different scale," and he summarized the functions of the chief executive as follows:[11] (1) to interpret the policies of the stockholders and directors in terms of the concrete problems of the enterprise and to represent them; (2) to work out with the directors the objective of the enterprise and the scope and limitations of its activities; (3) to select a staff and maintain the major executives necessary for the conduct of its affairs; (4) to present the objectives determined upon to the major executives and to work out with them a plan for their accomplishment evidenced by a budget expressed in the terms of men, money, and things, and subdivide according to the responsibilities for execution; (5) to follow up the activities of the enterprise and to keep the directors informed as to results and their significance; (6) to constitute an available sympathetic and informed counselor to the major executives and to help them to adjust such differences as may arise between them; (7) to keep the major executives informed of each others' accomplishment and help them to see themselves and their functions as part of the whole which is greater than any one of them; and (8) to follow up and appraise the work of major executives in terms of their assigned responsibilities and budget, and to help them to see themselves in their work as their associates see them.

[10] "A Technique for the Chief Executive," *op. cit.*, pp. 47–48.
[11] *Ibid.*, p. 48.

Mr. Williams' primary interest, however, was in the "methods" rather than in the "functions" of the chief executive, and he does not develop further his admirable statement of those functions. It is significant that to him the primary technique of the chief executive is the operating budget, which is similar in some respects to Henri Fayol's "plan of operations."[12]

*Fayolism.* About the same time that Taylor was developing and spreading his ideas on shop management, another engineer in France, Henri Fayol, was working on the problems of the general manager. While he was trained as a mining engineer, he soon perceived that the management of an enterprise required skills other than engineering. An enterprise of 10,000 persons such as he managed required an *art* of formulating plans and, through proper organization of effort, of getting this many people to work together toward achievement of the planned objectives. This art he felt was quite distinct from the science and art of engineering, and it was different from forecasting business conditions through economic analysis. His thinking about these problems of the general manager and his subordinate executives led him to formulate the "administrative function" as distinct from the "technical function." As early as 1888, he told his colleagues of the engineering profession of the need for education and training to perform the administrative function as well as engineering. In his volume, *Industrial and General Administration*, he treated the problem of education for administration in considerable detail; it was obviously one of his main interests.[13] As a successful manager for a large corporation for more than twenty-five years, he was eminently qualified to speak on the problems of top management, and he did speak and write with a clarity and simplicity of style that has rarely been equaled.

Fayol's contributions are presented from the viewpoint of the general manager, in contrast to Taylor's approach from the viewpoint of the shop or technical level. Most of his observations are elaborated around two central ideas: (1) the distinction between the "administrative function" and other types of activity in a private or public enterprise; and (2) the proportionate emphasis which the principal executives and supervisors of an organization should devote to the "administrative function" in relation to other functions, especially the "technical function."

Surveying the entire enterprise, Fayol distinguished administration as one of six functions, including the technical, commercial, financial, security, and accounting functions. The sum total of these functions he

[12] The idea of the flexible budget as the technique of the chief executive Williams develops also in later articles in the *Bulletin of the Taylor Society:* "The Ways and Means of the Chief Executive," in 1923; "Top Control," in 1926; and "The Budget as a Medium of Executive Leadership," in 1928.

[13] H. Fayol, *op. cit.*, pp. 59–69.

called the *gouvernment* of the enterprise, for which the general manager is responsible.[14] Technical operations include production, manufacture, etc.; commercial operations comprise purchases, sales, and exchanges; security operations constitute protection of goods and persons; financial operations consist of finding and controlling capital; accounting operations include stock-taking, balance sheet, costing, statistics, etc.; and administrative operations consist of planning, organizing, commanding, coördinating, and controlling. Fayol concludes with regard to all of these functions: "Whatever the function being considered, the chief characteristic of the lower employees is the special ability appertaining to the function (technical, financial, commercial, etc.,) and the characteristic of the higher employees is administrative ability."[15] From this point he derives his very important principle: Along the scalar line of responsibility from the top to the bottom of an organization, the amount of time devoted to administrative operations and technical operations varies inversely, the time necessary for administrative operations being greatest for the general manager. He went so far as to speculate in terms of numerical indices and concluded that the head of a large government department would spend as much as sixty per cent of his time on administration and eight per cent on each of the other five functions.

The understanding of this principle is facilitated by a brief discussion of his meaning of the "administrative function." This function " . . . like the other essential functions, is carried out by all members of the organization," but, according to the principle, not in the same proportion. It consists of five elements—planning, organization, command, coördination, and control—which are the principal subjects around which his major work, *Industrial and General Administration*, is organized. The element which integrates all the others, and without which the others would be futile, is "planning," which produces the "plan of operations" of the enterprise. The "plan of operations" contains the objective in view, the line of action to be followed, the various stages on the way, and the means to be used; it is a sort of picture of the future, in which events which are near at hand are represented quite distinctly, while more distant ones are shown in less detail . . . ."[16] It is the equivalent of an "operating budget" broadly conceived to include two types of budget: (1) the financial budget, i.e., the cost of production in relation to profit

[14] *Ibid.*, p. 8. The English translation uses the work "management" rather than "government," but Urwick prefers "government," which is less confusing.

[15] *Ibid.*, p. 14. Fayol also points out that "the technical function has long been given the degree of importance which is its due, and of which we must not deprive it, but the technical function by itself cannot ensure the successful running of a business; it needs the help of other essential functions, and particularly that of administration."

[16] *Ibid.*, p. 35.

realized on sales, and (2) the program budget, i.e., the amount of input of human effort and materials in relation to the objectives achieved. The latter element is exceedingly important, particularly in governmental enterprises where the profit motive may be absent. Thus, for example, the objective of arresting traffic violators in a city may require one traffic policeman for every 3,000 motorists. In operation, over a given period of time, a certain number of violators arrested will require the effort of a certain number of policemen. This is the "balancing" of the program budget. The usual financial balance is expressed a little differently, namely, as the cost of the traffic department in relation to funds authorized in the city budget. The objective accomplished may not be translatable into monetary terms (i.e., saving of lives and limbs). In any event, a plan of operations, both in program and in financial terms, is the indispensable first step for an enterprise to achieve its purposes effectively.

The other elements of the administrative function are exercised in relation to the plan of operations. Thus, staff is recruited and organized, and materials purchased and arranged, in accordance with the plan. With the organization manned and equipped, directions or commands can be given it to achieve the objectives of the plan. And as directions are given and the plan is being carried out, the different parts of the organization can be coördinated. Finally, through the element of control periodic reports, oral or written, are made on the progress achieved and necessary adjustments are made by the general manager and his subordinate executives.

Introducing at this point the scalar principle applicable in most enterprises, we can see at once that the general manager, as well as those in his immediate office, will have to spend proportionately more of his time performing the "administrative function" than any one else in the enterprise. Only the general manager or chief executive would be responsible for the entire plan of operations and for all action taken pursuant to it. He must select his department heads and other key personnel, organize the departments in relation to each other and to the auxiliary services, give the over-all commands, and coördinate and control their activities. Each department head or subordinate executive would be concerned only with a portion of the plan of operations and would staff, organize, command, coördinate, and control only in regard to that portion. Similarly, division heads, section heads on down the line to the shop managers, have a smaller and smaller portion of the total plan of operations for which they are responsible, and in consequence, a smaller portion of their time is spent in performing the administrative function. However, it is at the line level, both in business and in government, where the substantive or external objectives of the organization are accomplished. And while the amount of time devoted to the administrative function is proportionately smaller, the time spent in the "technical function," i.e., regulating traffic

or turning out machine tools, becomes proportionately larger. The technical knowledge necessary varies in numerous ways, depending upon the objectives of the enterprise—making rubber tires, operating steam turbines, nursing the sick, teaching pupils, conserving soil, etc. "Administrative" knowledge, on the other hand, is distinct from the technical, and while, as with all arts, it must be applied in an infinite variety of circumstances, it has in all enterprises essentially the same basic elements of planning, organizing, commanding, coördinating, and controlling.

While Fayol's "administrative function" is carried out to some extent by all members of an enterprise, it has in essence become identified with executive work, because the chief executive and his subordinate executives spend so large a portion of their time performing it. This identification is clearly revealed in the work of such prominent followers of Fayol as Luther Gulick and Leonard White, who define the functions of the chief executive in substantially the same terms as Fayol defined the "administrative function."[17] Other writers, such as Ordway Tead, John H. Williams, and Luther Urwick, have similarly been close to Fayol's administrative function in their analyses of executive work.[18] When we look below the labels "administrative function" and "executive work," we can see a substantial agreement in thought that would not otherwise be apparent.

The need for looking below the labels "administration" and "management" is especially important because of the lack of agreement on the meaning attached to these terms. Fayol himself felt that misunderstanding had arisen between his followers and those of Taylor largely because of the lack of a common vocabulary, i.e., one in which the same words apply to the same things. Adding more labels such as Gulick's POSDCORB does not solve the problem. In order to see that Taylor's thought and Fayol's thought are not contradictory, but are in fact complementary, we shall outline the basic elements of an enterprise.

*How Fayolism Complements Taylorism.* To understand more clearly the manner in which the contributions of Fayol and Taylor complement each other, let us outline the viewpoints of management broadly enough to include both and perhaps other elements. In general, we can say that there are three major aspects of any large public or private enterprise: (1) the chief executive in relation to the legislature or board of directors, (2) the chief executive in relation to his principal subordinate executives, and (3) the chief executive and his subordinate executives in relation to the

[17] Luther Gulick, "Notes on the Theory of Organization," *Papers on the Science of Administration*, pp. 13–14; L. D. White, *Introduction to the Study of Public Administration* (New York, 1939), p. 6.

[18] Ordway Tead, *The Art of Leadership* (New York, 1935), pp. 14–15; L. Urwick, *op. cit.*; J. H. Williams, *A Technique for the Chief Executive*, p. 48.

great mass of employees. One of the eminent leaders of the "scientific management" movement, H. S. Person, takes essentially this view when he divides the major aspects of business and government enterprise into "policy determination," "administration," and "management."[19] In all three aspects, the chief executive or general manager should be the pivotal person. Policy directives from the legislature or board of directors come to the enterprise through him. He not only sees that policies are carried out, but on the basis of experience he suggests alternative policies for enactment. Secondly, it is the responsibility of the chief executive to incorporate policy into a plan of operations for the enterprise, to select and organize his principal department heads for carrying out the plan, and to direct, coördinate, and control the organization in the accomplishment of the objectives of the plan of operations. It is this aspect to which Fayol applies his "administrative function" and to which the works of Gulick, White, Urwick, and Tead, referred to above, also apply. Thirdly, though in large organizations the scalar organizational pattern "separates" the chief executive from the mass of employees, they need his personal leadership and that of executives and supervisors, especially as transmitted through the plan of operations. It is this level, where the greatest volume of work, the most employees, and the greatest cost to the enterprise are involved; it is this aspect with which Taylor is concerned and to which he applies the term "management," as does Person. None of these three major aspects should be ignored or underemphasized if the enterprise is to be conducted most effectively. Certainly, to ignore the second area is to cripple executive leadership in any large organization.

There should be no conflict, then, between Taylorism and Fayolism. Their chief contributions, taken together, still do not cover the whole of a government or business enterprise. The relations of the general manager to the board of directors or, in the case of government, to the legislature, for example, is a vital zone not developed by either. Misunderstandings of one group by the other may have resulted from failure to take the other person's point of view. Thus, on the one hand, the problem of top management cannot be solved by taking Taylor's point of view. On the other hand, the problem of effective machine shop production cannot be solved by Fayol's administrative function. Criticism of either can easily be made if his theory is applied to a problem for which it was not intended. Conflict is sure to result if one adopts the position that there is only one approach to management—Fayolism or Taylorism.

As Taylorism spread in Europe after World War I, apparent conflict of theory developed between the followers of Taylor and the followers of

[19] H. S. Person, "Research and Planning as Functions of Administration and Management," *Public Administration Review*, Vol. 1, p. 66 (Autumn, 1940).

Fayol. In a memorable address before the International Congress of Scientific Management, in 1925, shortly before his death, Fayol, answering Le Chatelier and De Freminville, proponents of Taylorism who had also addressed the Congress, stated that the two schools were not contradictory. He held that, on the contrary, they were two different approaches to management which complemented each other—Taylorism approaching the problem from the work shop, Fayolism from top management.[20] The full significance of this observation has never been widely circulated or accepted.

*Underemphasis of Fayolism.* Viewing the three broad aspects of our total problem of "administrative management," we see that "policy determination," or, as Person says, "direction," is recognized as an essential function. At the other extreme from the top level function of direction, "line operations," or in Taylor's and Person's words, "management," is also recognized as an essential function. However, the remaining aspect which covers the area between top policy and line action has never been given recognition in the United States comparable to the other two. In fact, one can say that while Taylorism has been widely accepted in industrial enterprises and has even penetrated governmental administration, "Fayolism" is relatively unknown. The broader problems of chief executives consequently have not been systematically solved either in government or in private enterprise. If we are to develop more effective management, there must be a balancing of Taylorism and Fayolism.

It should be observed that while both Person and Fayol have applied the term "administration" to the same general aspect of an enterprise, their approach and definitions are different. Person views "administration" as a residual function, in between "direction" and "management," or as what is left after these have been defined. In a very small organization, where the chief executive directs his workers personally, no residuum remains *as an organizational problem.* No intermediary is needed as a "connecting link between direction and management" or "to see to it that management is conducted within the frame of direction," or to "translate direction and general policies into more specific policies and programs." The chief executive, as Person points out, does these things himself. The real problem in this area, however, arises when the enterprise increases in size to the point where an organizational structure is necessary between the general manager and those responsible for operations. Fayol's recognition of and special attention to this problem resulted in his distinctive contribution. The effective performance of the "administrative function" by the general manager, his department heads, and their division heads is the more important the larger the organizational structure between the general manager and the line operators.

[20] *Proceedings of the International Congress of Scientific Management* (Brussels, 1925), p. 58.

It has been common knowledge for many years that frequently a top-notch engineer who has become head of his technical department fails as general manager. But to what extent is it recognized that when an engineer succeeds as general manager of a large enterprise it may be due more to success in coping with "administration" than to his knowledge of engineering? Fayol deduced this truth many years ago and constantly stressed the need for including training for the "administrative function" in the engineering curriculum. In the United States, while much progress has been made, the "administrative function," or "Fayolism," is still largely unrecognized. We are heirs to the Jacksonian fallacy that any one can perform this function.

*Toward More Balanced Enterprises.* A business or government enterprise will operate more effectively if the three major aspects are in proper proportion. In the United States, a number of developments are necessary to give balance to the rôle of executives:

1. The rôle of the chief executive and his subordinate executives should be more clearly understood and generally recognized. While a number of students of administration are in agreement, there is as yet insufficient consensus among practical administrators. That general acceptance of a distinct function for the chief executive in the conduct of an enterprise comes late is due to three major factors: (1) large enterprises, in which executive ability is especially necessary, quite naturally have developed later than small ones; (2) even as large governmental and business enterprises evolve, there will always be proportionately only a very small number of persons engaged in executive functions or the "administrative function," as compared to the great many more scientists, engineers, and other members of the organization (it is almost as true today as it was fifty years ago that the experience which Taylor had in the machine shop and at the technical level has been far more universal than has been the experience of Fayol as general manager of a large enterprise); and (3) the most obvious major cost of an enterprise in its day to day operations is involved in the large numbers of employees at the technical level. And since at this level the objective is achieved, quite naturally it becomes a major area for improvement. What has not been so obvious is that while the salaries of principal executives is a proportionately small cost, their actions may result in great waste or in more efficiency in the organization as a whole. As business and government enterprises increase in size, the weaknesses in the work of executives become more prominent.

2. To understand the rôle of the executive, our attention needs to be focussed on large organizations. Too often the essential rôle of the chief executive may be obscured in a small organization, where he may spend most of his time on the technical function.

3. Fayol's contributions to an understanding of administration need wider publicity, including support by a professional society. While Taylor-

ism scarcely needs elaboration for American students of administration, Fayolism is not nearly so well known. Originating in France, Fayolism has never been disseminated in the United States as has Taylorism in Europe.[21] In France, Fayol's theories have been supported by the Center of Administrative Studies; in the United States, they might well be incorporated in the scientific management movement.

4. Finally, the notion that administration is a function that anybody can perform without pertinent education and training must be exploded. Few universities or technical schools give sufficient attention to administration as an executive function. There should be more widespread teaching of administration as a profession. This would not mean that a technically trained engineer or scientist should not become an administrator, but rather that, as he takes on higher and higher responsibilities from division chief to department head to general manager, and as he undertakes these positions in larger firms, he should be clearly aware that fewer demands will be made upon him as a scientist and that many more, if not most, will be made on him as an administrator. No one more than Fayol recognized this truth, and we should endeavor, as he did, to give it a broader educational basis.

While Fayolism is not generally recognized as such, there is a growing acceptance of theories and practices which were originally propounded by him. For example, to the extent that the budget in business and government is broadened to become a plan of operations in program as well as financial terms, Fayol's ideas are being realized; for his "plan of operations" is the corner-stone of his administrative function. However, Fayol developed a systematic and comprehensive view of administration; and if his works are understood and publicized, the development of the art of administration will be facilitated.

## STREAMLINING THE ARMS PROGRAM

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"Industrial management" and "efficiency engineering" have become by-words in private business; in the field of public administration, we hear of "control." The second World War has given great impetus to the development of effective practices in "management" or "control" in government departments.

[21] It is striking that Fayol's principal work, *Industrial and General Administration*, is not available in most libraries in the United States, not even in the Library of Congress.

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As soon as the news of Pearl Harbor electrified the United States, armament production was expanded overnight to the limit of the country's resources. Pursuant to the defense program, the Department of War constructed not only many munitions plants, the great majority of them operated by private concerns under cost-plus-fixed-fee contracts, but also numerous storage depots and other installations owned by the Department of War and operated for the most part by its Ordnance Department, a division of the Army Service Forces.

During the initial months of the war, the problem uppermost in the minds of those who were directing the nation's defense program was how to achieve mass production of arms—a goal doubly difficult to reach because of the need of using entirely new techniques of manufacture. Not until the problem of quantity production was solved could attention be concentrated on obtaining maximum efficiency in operations. Swift expansion in any productive activity will by its very nature arrive at that point of unwieldiness where streamlining becomes imperative. Furthermore, because of the labor shortage, which grew more acute with the induction of increasing numbers of young men into the fighting forces, consideration of the efficiency of war plants early became mandatory.

The Control Branch of the Office of the Chief of Ordnance was established on June 1, 1942; subsequent to March, 1943, control offices were organized in other higher echelons of the Ordnance Department. But of the utmost importance in any thoroughgoing management program is the installation of control sections on the operating level. Therefore directives were issued by the Office of the Chief of Ordnance in April, 1943, to authorize the institution of control departments in the operating facilities or field installations.

"A control office is very similar to a management engineering firm in private business. The control office is the commander's personal group of management engineers reporting directly to him and exercising the management engineering function on a continuous basis."[1] Control functions extend into every phase of operations of the unit to which the staff is assigned. In general, the scope of control activities embraces the analysis of policies, of organizational structure, and of procedures, and the presentation of progress reports.[2]

One of the most important duties of the control staff is to appraise the effectiveness of basic policies. In so doing, it must be emphasized, the capacity of the control section is an advisory one only; control officers have no authority to issue policy-determining directives. To give a single example: In performing its function of examining the workability of

[1] *Control Manual*, Vol. I: *Fundamentals of Control.* (Control Division, Headquarters, Army Service Forces, Mar. 20, 1943), p. 2.

[2] See *Manual for Control Officers*, Vol. III: Work Simplification. (Control Division, Headquarters, Services of Supply.)

policies, the control section of a certain field installation reported on the employment of women. At the time when higher authority gave instructions that sixty per cent of all workers at this type of facility should be women, only thirty-seven per cent of the employees at the station actually were women. While this percentage was being raised, the control department maintained a detailed record of the performance of the new women employees. Only those whose productive ability equaled that of the men replaced were kept on the force; thus, wastage of human effort by the hiring of two women for every man released was prevented.

Of special interest in wartime are the methods of the various control sections in handling problems involving the relationship of policies to morale. Data on production at one of the pre-Pearl Harbor arsenals revealed a startlingly low record of output per man-hour. As this particular post is one of the oldest in the country, a large number of its employees have to their credit records of long years of service, even twenty or twenty-five years. In particular, those civilian heads of departments who had been with the installation many years naturally resented the presence of the new and young military officers who were assigned to take charge of these sections upon mobilization of this country for war. Furthermore, the majority of the military personnel had received only short periods of training for their specific tasks before assuming duties. Dissension resulted and esprit de corps suffered. To make matters worse, no definite policy was followed in that highly important phase of personnel administration, promotions. Individuals new to the plant were in many instances advanced in rank and salary ahead of those who had worked at the post for long periods of time.

On the advice of the control staff, remedial measures were undertaken. Military personnel war reassigned on the basis of experience in dealing with people. The military officers were also given specific instructions to treat experience and age with due deference by consulting the "old-timers." Likewise, supervisors, both civilian and military, were especially instructed to express appreciation for jobs well done. This facility then set up a definite plan for promotions whereby the record of each employee in the operating area is examined periodically; if inefficiency is the reason for withholding a promotion, the employee is so informed and suggestions for improvement are made.

After this new policy was instituted, a marked change for the better in morale was reflected concretely in an immediate and tremendous increase in tonnage handled per man-hour. Even special rush orders have been met with ease in the face of an actual reduction in personnel due to the induction of many young men into the armed forces.

Organizational structure has been defined as " . . . the arrangement by which functions are allocated to divisions and subdivisions, by which

personnel are assigned, by which relationships among units of organization and among the members of the administrative and operating staffs are established. The plan of organization established and maintained should be . . . simple, clear and definite."[3]

The personnel department of one facility was in a particularly sorry state. The control staff, called in to institute a survey, found that (1) two sections were maintained because of lack of a central administrative building, channels of command being in consequence confused; (2) placement of individuals in this department was on a hit-and-miss basis, with no regard to qualifications; (3) section heads were without capable assistants; (4) three sections of the department—the employment, the separation, and the investigations sections—were shockingly overmanned; and (5) the filing and library section was insufficiently staffed.

In accordance with the recommendations of the control section, changes in organization were effected, as follows: (1) A central headquarters building was secured for several departments, including the personnel branch. Then a single head, a military officer, was assigned as director of civilian personnel, with a civilian as assistant director. Thus definite lines of authority and responsibility were delineated. (2) Shifts in personnel were made on the basis of qualifications. (3) The assistant director and other supervisors were provided with competent assistants. (4) Reductions in personnel were effected in the three sections which were overstaffed, and additional personnel were transferred to the filing and library section.

The most telling result of the reorganization of the personnel branch was the decrease of its members by fourteen—a saving to the taxpayer of $23,420 annually in salaries. The control section, in its follow-up survey one month after the completion of the reorganization, reported definite increase in the efficiency of the department, as shown by records of output and quality of work.

Analysis of procedures is another aspect of the work of control staffs. The term "procedures" as used . . . is to be construed as including all operating methods and systems having to do with the conduct of work, the flow of work, and the control of work. It deals with the "dynamic" features of the work as distinguished from the "static" features covered by the term "organization."[4] In ordnance plants, as in any industrial plant, procedures may be divided into two classes, physical and office. The first type concerns procedures in the factory, shop, or warehouse; the scope of the second is obvious.

Control staffs have functioned very effectively in examining and revising procedures of both types in the interest of economy of time and effort.

[3] *Management Program for Ordnance Installations* (War Department, Army Service Forces, Ordnance Department), p. 10.

[4] *Ibid.*, p. 12.

At an Eastern storage depot, the control department assisted in perfecting and introducing an innovation in physical procedures which has been adopted in many ordnance plants. This was a bomb-rack attachment for the electric fork-lift truck, a machine indispensable in lifting and transferring all types of ordnance material. This truck, equipped with standard prongs, can carry at one time only two 250-pound bombs. And production-data sheets showed that more man-hours were required to load and unload a railroad car of such bombs by this method than to roll the bombs by hand from truck to railroad car on wooden runners placed on the railroad siding. After much experimenting, in which the control staff participated, a special device was developed by means of which four bombs instead of two can be carried at one time from truck to railroad car and vice-versa. Now only six men stead of ten are needed at the loading-dock to handle a car of 250-pound bombs. A follow-up survey, utilizing production-data sheets on which the number of men assigned to an operation and the time consumed by each were recorded, indicated an increase of forty per cent in the rate of handling these bombs at the railroad siding. Such an improvement in efficiency speaks for itself.

An example of the study of office procedures is afforded by a control section's work in one of our large ordnance field establishments, where an investigation was conducted to determine the "sore spots" in the handling of mail and to eradicate faulty conditions. Process charts bearing symbols for the various types of operations were employed for graphic presentation of the "how" of the processing of correspondence in the mail and records department. A thorough survey revealed gross duplication of procedures. The three chief steps in handling mail received at this post were: (1) All correspondence was sent directly from the post office to the main mail and records section, where it was sorted. (2) All letters, etc., with the exception of correspondence for one important division, were checked in the mail and records office for correct address, inclosures, basic letter and indorsements, and were then classified. Copies were extracted and filed and the original was then routed. (3) Correspondence was routed to individual mail and records sections of the various branches of the facility where the *same procedures* as in the second step were carried on.

The results of the analysis extended beyond adjustments of procedures into modifications of organization. In order to correct duplications, all mail-handling sections with the exception of three were consolidated into a single unit, thus releasing forty-two employees. The annual saving was more than $75,000; the annual saving in time and effort, more than 125,000 man-hours, formerly spent in making superfluous copies of documents and unnecessary files.

The fourth and final phase of the work of a control section deals with

statistical progress reporting. This function is perhaps basic, since it affords an over-all picture of operations and is a means of ascertaining "sore spots." One of the initial tasks of a large but well-organized control staff at a post on the Pacific coast was the charting of the work load on a tonnage basis. Another chart was drawn to represent personnel. The charts in this particular case brought to light marked highs and lows of activity in comparison to a constant work force. Such information was made the basis for subsequent reorientation of personnel policy. Also, at this same installation a chart was maintained to present the day-by-day stock of items as against the number of items to be shipped, thus showing the amount of work to be accomplished each day.

The purpose of control staffs, as we have seen, is to attack problems of policy, organization, and procedure, and to maintain progress charts. Although there are no statistics available, tremendous savings, both in manpower and in monetary costs, have been effected by the many control sections in the Ordnance Department.

An upswing in the functions of government bureaus has been so marked recently that many citizens have become apprehensive not only of bureaucratic rule, but also of the waste and inefficiency traditionally associated in the public mind with all governmental administration. For the latter misgiving, the best corrective is to be found in extending to every branch of the government the diligent, conscientious work of a control staff.

# FOREIGN GOVERNMENT AND POLITICS

## VICHY'S SHAM CONSTITUTIONALITY

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Writers on the constitutional aspect of the Vichy régime in France have now shifted the focus of their attention. In the beginning they were concerned almost exclusively with the study of how far the Constitutional Law of July 10, 1940,[1] did or did not square with the constitution of the Third Republic.[2] Later publications broached the question as to whether, assuming the legitimacy of the Constitutional Law of July 10, 1940, Marshal Pétain's government, by its actions under the cover of that Enabling Act, had remained within the scope of the authority conferred by that measure. Pierre Tissier, the author of the most comprehensive published study of the Vichy régime, argues that for a correct construction of the Enabling Act the ratification "by the nation" of the new constitution must be considered as a condition precedent, in the technical meaning of that term, rather than as a condition subsequent. He further points out that since this refers to a temporary change of the constitution, as well as to a permanent one, the pretended and self-styled "constitutional acts" of Marshal Pétain, even though he himself ascribed to them only an *interim* character, were merely "so many *coups de force*." According to the same author, a comparison between the powers delegated to the Marshal by the National Assembly of Vichy and the use he made of them leads to the conclusion that his government "betrayed its own solemn engagements." Tissier charges the Marshal also with an "abuse of power."[3] Similarly, another French author of a pertinent monograph makes the emphatic statement that the constitutional acts of the Pétain régime, "despite their name, were really abuses of power," since the mandate conferred by the National Assembly "was not—despite all that has been reported—a blank check," and the conditions for putting into effect any constitutional act have so far not been met.[4] Even before these academic discussions, substantially the same kind of argument was adopted for forensic purposes as the so-called constitutional plea which formed

[1] *Journal Officiel*, July 11, 1940, original (French) text; English version in *International Conciliation*, No. 364 (Nov., 1940), p. 380.

[2] See, for example, Karl Loewenstein, "The Demise of the French Constitution of 1875," in this REVIEW, Vol. 34, p. 867 (1940); James Lindsay, "The Legality of Vichy," *Empire Review and Magazine*, Vol. 14, p. 262 (1941); René Cassin, "Vichy or Free France," *Foreign Affairs*, Vol. 20, p. 102 (1941).

[3] Pierre Tissier, *The Government of Vichy* (London, 1942), pp. 53, 55, 61, 62.

[4] Léon Marshal, *Vichy: Two Years of Deception* (New York, 1943), pp. 68, 69.

part of Léon Blum's defense in the Riom trial, and which was courageously elaborated by his counsel, Maitre Troquet.[5]

The soundness of this proposition regarding Pétain's abuse of power depends on whether it is based on a correct interpretation of the ratification clause in the Vichy Enabling Act of July 10, 1940. This cannot be determined merely from the wording of the statute. Its mystifying text is strongly reminiscent of Napoleon's cynical recipe: "A constitution should be short and . . . obscure."[6] Its terms, at least on their face, are inconsistent and opaque.[7] Particularly does the word "ratified" fail to convey a "plain meaning," if viewed in the light of French constitutional practice, as will be shown later. Was the ratification clause of the Vichy Enabling Act intended to be a genuine democratic safety valve, in the sense of the Swiss referendum, or was it intended as a smoke-screen, a French replica of Hitler's *Volksbefragung*,[8] a "farcical concession to a dead democracy," as a distinguished American scholar[9] puts it? Only its inside story can furnish a definite answer to this important query. Those commenting on the constitutionality of the Vichy régime, however, have not supplied this key. To fill this gap is our main purpose here. Anticipating the result of the investigation, it may be stated that Tissier's interpretation of the Constitutional Law of July 10, 1940, gains strong support from the legislative history later to be disclosed. It is a startling fact that, like others with the same viewpoint, he should have completely neglected this historical aspect of the problem. For, merely to consider the meaning of the term "ratification" in the constitutional theory and practice of the Third Republic would, at best, make his case difficult to establish.

1. *"Ratification" in French Constitutional Theory and Practice Before the Vichy Régime.* "Ratification" is an expression with a rather flexible meaning.[10] Even as a technical word, it is an ambiguous term, pointing

[5] Reports concerning the plea and its rejection by the Court, *New York Times*, Feb. 20, 1942, and *New York Herald-Tribune*, Feb. 22, 1942.

[6] Quoted by Sir Courtenay Ilbert, *Methods of Legislation* (London, 1912), p. 51.

[7] What is meant by a "Republic, under the authority and the signature of Marshal Pétain"? How is "the Republic" to mix with "the French State"? How is the bombastic phrase "all power" to be reconciled with the restrictive words, "with a view to"? The full text of the law containing the words within quotation marks is given *infra*.

[8] Cf. Ernst Rudolf Huber, *Verfassung* (Hamburg, 1937), pp. 97, 98, and an English translation of the pertinent passages in the U. S. Department of State's official publication *National Socialism*, by Raymond E. Murphy and others (Washington, 1943), p. 36. According to Huber, the purpose of the *Volksbefragung* is to give the people an opportunity not to make their own decision, but rather to express their solidarity with the Fuehrer on a point that he has already definitely decided.

[9] Frederick L. Schuman, *Night Over Europe* (New York, 1941), pp. 516–517.

[10] According to the *Dictionnaire de l'Académie Française*, 8th ed. (1935), Vol. II, p. 435, "ratification" means (rendered into English) approbation, confirmation of what has been done or promised.

either to a condition precedent or to a condition subsequent to the binding character of an act. In the first case, the act subject to ratification does not legally exist before the ratification; in the second case, its legal validity is cancelled, usually with retroactive effect, upon denial of the required ratification. With special reference to the ratification by the French Parliament of executive decrees issued under an enabling (*plein pouvoirs*) act and subject to parliamentary ratification, Léon Duguit wrote in a study devoted to this subject: "Such decrees are valid under a condition subsequent; that is, they are immediately valid, but lose their validity in case of non-ratification."[11] To be sure, this standpoint did not quite harmonize with pertinent decisions of the *Conseil d'État*. Mainly with regard to this conflict between Duguit's theory and the practice of the *Conseil d'État*, another French writer, Yvon Gouet, took issue with the proposition of the master. However, he also is far from believing that ratification constitutes a condition precedent to the validity of executive decrees which are subject to ratification under a statutory *plein pouvoirs* delegation. Rather does he suggest that the requirement of ratification in terms of an enabling act (*loi d'habilitation*) does not involve either a condition subsequent or a condition precedent to the validity of the respective decrees. According to him, there exists a constitutional custom, revealed in parliamentary practice and in the case law of the *Conseil d'État*, to regard such decrees as having definite legal effects even before parliamentary decision concerning their ratification or non-ratification, and to consider those effects as only *pro futuro* stopped, but not *ex post facto* voided, by a declared denial of ratification. He goes to the length of suggesting that "ratification" in this particular application amounts to a misnomer, for, he believes, executive degrees issued under the *plein pouvoirs* act, are not nullified by the Chambers' voting against their ratification. Non-ratification by the Chambers means, in his analysis, nothing but repeal of the respective decrees.[12]

To discuss the merits of these French schools of thought is not within the province of this paper. Suffice it to say that in all the documents on the French practice of *plein pouvoirs* there was to be found not a single case from which one might reasonably deduce that in this connection "ratification," if it is a condition, meant a suspensive contingency or a condition precedent.[13] This negative statement holds true also of the important law

[11] Léon Duguit, "Des règlements faits en vertu d'une compétence donnée au législateur par la législation," *Revue du Droit Public et de la Science Politique*, Vol. 41 (1924), pp. 313 *et seq.* at p. 343. On the question as to whether and, if so, to what extent, such decrees are subject to judicial review, cf. Gaston Jèze, "Contrôle jurisdictionel des décrets-lois," *ibid.*, Vol. 55 (1938), pp. 829, 830.

[12] Yvon Gouet, *La Question Constitutionelle des Prétendus Décrets-Lois* (Paris, 1932), pp. 142, 147, 150, 153.

[13] Cf. Otto Kirchheimer, "Decree Powers and Constitutional Law in France

of December 8, 1939, which, while renewing Daladier's *plein pouvoirs* that had expired on November 30, 1939, not only considerably enlarged their extent, but in addition transformed them into a permanent institution, into an authority available to any French government in time of war.[14] Article 36 of the law of July 11, 1938, concerning the organization of the nation in time of war, amended pursuant to the said law of December 8, 1939, in translation reads: "During the hostilities the Chambers exercise their powers in legislative and budget matters as in peace-time. However, in the case of an immediate emergency the Government may by decrees, issued after consultation with the Council of Ministers, take the measures dictated by the interests of the national defense. Such decrees shall be submitted for ratification within one month if the Chambers are sitting, otherwise upon their first meeting."[15]

To make the picture complete, it should be noted that in the material admirably collected in Léon Duguit and Henri Monnier's well-known reference book,[16] "ratification" was, with a single exception,[17] not spoken of in official documents concerning referenda or popular votes on a new constitution. The terms most frequently applied in this connection were "accepted" and "acceptance."[18] Furthermore, and most important, in all these French documents concerning referenda there was the implicit understanding that the required approval of the nation should be a condition precedent for the legal validity of a change of the constitution.[19]

We may, therefore, anticipating somewhat the historical exposition to follow, suggest that it was not a matter of style, but a cunning manoeuver, when Laval, with a mental reservation, while ostensibly conceding a point contained in the counter-bill of the *ancient combattants* group, replaced their term "acceptance" by his term "ratification."

2. *Laval's Bill and the Counter-Bill of the Veterans Group.* It is not a matter of general knowledge that there were two separate sessions of the National Assembly of July 10, 1940, the tragic play in the *grande salle du théatre* of the *Casino de Vichy* in which the French little Hitler, Laval, proved an actor of no mean ability. One of these meetings was official, the

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Under the Third Republic," in this REVIEW, Vol. 34, pp. 1104 *et seq.* at p. 1114 (1940).

[14] Cf. Kirchheimer, *ibid.*, at p. 1115, and Roger-Bonnard, "Le droit public et la guerre," *Révue du droit public et de la science politique*, Vol. 56 (1939), pp. 549 *et seq.* at p. 565. [15] *Journal Officiel*, Dec. 10, 1939.

[16] Léon Duguit and Henri Monnier, *Les Constitutions* (5th ed., Paris, 1932), pp. 58, 115, 129, 165, 179, 191, 277, 292, 293, 308, 309, 313.

[17] *Ibid.*, pp. 292, 293. [18] *Ibid.*, pp. 58, 115, 129, 165, 179, 191.

[19] At least in terms of the respective documents, whatever their actual effects may have been. This is, of course, not to ignore the realistic aspect of the almost proverbial "Bonapartist plebiscites," as commented on by James Burnham in *The Machiavellians* (New York, 1943), p. 164, and by some others.

other semi-official. The latter is referred to as a "private session" by the French writer whose story has, with considerable caution, been used as one of the sources for this account.[20] This informal meeting,[21] to which neither the public nor the journalists were admitted, started at 9 a.m. Its *procès-verbal* was not included in the official record of the National Assembly which is contained in the *Journal Officiel*;[22] as a secret document, it was sealed and deposited in the national archives. The official session, or what is generally known as the National Assembly, began at 4 p.m. of the same day. The informal meeting was presided over by M. Valadier, vice-president of the Senate; the National Assembly proper acted under the chairmanship of the president of the Senate, M. Jeanneney.

At the informal session, i.e., on the morning of the fateful day, Laval announced the text of the constitutional bill that he intended to introduce at the official session slated for the afternoon. This text, in translation, follows: "Single Article.—The National Assembly grants all power to the Government of the Republic under the signature and the authority of Marshal Pétain, President of the Council, with a view to promulgating in one or more Acts the new constitution of the French State. This constitution shall guarantee the rights of work, family, and native country. It shall be ratified by the Assemblies which it is supposed to create."[23]

Simultaneously with Laval's bill there was distributed at the informal meeting a printed preamble purporting to lay down the principles upon which the new constitution should be built.[24] Its text, disclosed as early as July 8, 1940,[25] had not since been amended, and therefore retained features not in keeping with the amended bill that had become the Enabling Act.[26] For this reason, it cannot serve as a reliable guide to a correct understanding of the final text of the Act.

[20] Jean Montigny, *Toute la Vérité: Un Mois Dramatique de Notre Histoire* (Clermond-Ferrand, 1940).

[21] On the day before the meeting of the National Assembly, i.e., on July 9, 1940, Laval, in the Chamber of Deputies, referred to this session as a preliminary general meeting (*réunion générale préliminaire*), whereas in the Senate M. Boivin-Champeaux called it the semi-official session(*réunion officieuse*).

[22] *Journal Officiel*, July 11, 1940.

[23] The English version in the text is the writer's translation of the original French wording that appeared in *La Dépêche* (Toulouse), July 9, 1940.

[24] French text in *La Dépêche* (Toulouse), July 10, 1940; English version in *International Conciliation*, No. 364 (Nov. 1940), p. 378.

[25] According to Montigny, *op. cit.*, p. 61.

[26] The preamble, in connection with the authority to be conferred on the Marshal, uses the words "Président du Conseil" which were contained in Laval's original bill, but were eliminated from the revised text, as will be shown later in this discussion. Note also that the preamble neither expressly nor by implication mentions the requirement of a ratification of the new constitution by the nation, obviously because this requirement was not contained in the text of the bill to which the preamble refers.

It was at the informal meeting that the real discussion of the merits of the governmental proposal took place. Laval's bill, curiously enough, met with strong opposition from a parliamentary group whose feelings were rather akin to Pétain's ideas regarding a new order, a group of senators and of veterans of the First World War or *groupe des anciens combattants*. They envisioned the "wave of the future"; while they favored a totalitarian dim-out of the constitution of the Third Republic, they were opposed to its complete blackout. Their spokesman, M. Taurines, introduced a counter-bill of which this is an English version:

"The National Assembly decides: 1. The application of the constitutional laws of February 25 and of July 16, 1875, is suspended until the conclusion of the peace; 2. Marshal Pétain shall have full power to decree with force of law such measures as he deems necessary for the maintenance of order, in the vital interests of France and for her recovery as well as for the liberation of her territory; 3. The National Assembly entrusts Marshal Pétain with the mandate of preparing, with the aid of proper committees, new constitutional laws which shall be submitted to the nation for acceptance (*qui seront soumises à l'acceptation de la nation*) as soon as circumstances will allow a free deliberation."[27]

In his speech in favor of the counter-proposal, whose differences from the government bill are self-explanatory,[28] M. Taurines reminded his colleagues in the National Assembly of the words which Marshal Pétain himself had on a solemn occasion uttered, namely: "I do not wish to be either a dictator or a Caesar."[29] Thereupon Laval, taking a leaf from the book of the *anciens combattants*, but coloring it by the change of an important word, announced that what he considered as the main provision of the counter-bill would be adopted by the Government. He promised that a revised Government bill, to be introduced in the official afternoon session, would provide that the new constitution must be "ratified by the nation and applied by the Assemblies to be created." At this stage his conjuror's trick, or misrepresentation, consisted in the fact that he replaced the term "acceptance" by the ostensibly synonymous one of ratification, well aware, but not disclosing the fact, that in their constitutional connotation, as developed by precedents, the two terms did not mean the same thing. Whether on this ground, or because they were for other reasons dissatisfied with Laval's Greek gift of a compromise proposal, the *anciens combattants*, this time with M. Dorman as their spokesman,

[27] Writer's translation. For the French text, cf. Montigny, *op. cit.*, p. 71.

[28] The most important point of difference may be summarized as follows: According to Laval's original bill, the new constitution was to be ratified by what may properly be called the government's dummies; the counter-bill required the "acceptance" of the constitution by the nation.

[29] Allusion to the "Caesar of the Republic," as Napoleon Bonaparte called himself.

stuck to their guns; suspicious of the lure placed before them, they showed no readiness to abandon their attitude. Nor did they relent even after Laval, as the climax of his oratorical fireworks at this informal meeting, produced a letter from Marshal Pétain which, by power of attorney as it were, gave Laval full authority to make declarations in the Marshal's name to the National Assembly.[30] The famous "Pétain myth," surely responsible for some aberrations of the French people,[31] did not work in this instance. Laval's case was not strengthened, but probably weakened, by his evasive answers to those in the informal meeting who asked for an exact statement of what the ratification of the constitution by the nation would mean, and particularly whether a referendum was intended.[32] Nor was helpful elucidation of the Government's real intention to be gained from the second orator speaking in support of Laval's bill, Pierre Étienne Flandin. Even more mysterious about the implications of the ratification clause than Laval himself, he declaimed: "The new constitution—as M. Laval has just explained—will not be worth while unless, before being asked for ratification, the nation shall have understood and ratified it of her own accord."[33] So much for the semi-official, the morning, session of the National Assembly. Let us turn to the second act of the drama.

3. *The Official Session of the National Assembly and the "Special Committee."* Apart from an exchange of opinions concerning two incidental

[30] This fact, recorded by Montigny, *op. cit.*, p. 72, is of the highest importance since it rendered the declarations which Laval made subsequently binding upon Pétain's government as such rather than upon Laval personally. These declarations constitute official commitments to be read into the text of the Enabling Act, as will be expounded *infra.*

[31] Cf. on this point Tissier, *op. cit.*, p. 36; Elie J. Bois, *Truth on the Tragedy of France* (London, 1941), p. 367; Albert Guérard, *The France of Tomorrow* (Cambridge Mass., 1942), p. 133; René Kraus, *Europe in Revolt* (New York, 1942), pp. 368, 372; Philip Guedalla, *The Two Marshals: Bazaine, Pétain* (London, 1943), p. 359; Sir John Pollock, "The Legend of Marshal Pétain," *Quarterly Review*, Vol. 280 (1943), pp. 1 *et seq.*

Practically all members of the National Assembly, regardless of their political belief, were under the magic spell of Pétain's name. Even Jeanneney and Herriot, who, however, soon recognized their mistake, emphasized in their solemn allocutions as presidents of the Senate and the Chamber respectively, on July 9, 1940, the reverential allegiance due to the Marshal from the nation. Another psychological factor, which must not be ignored in any analysis of these events, was the total breakdown of the French fighting morale, that general atmosphere which can best be described by the French idiomatic term *cafard.* Even according to Madame Tabouis' testimony, practically everybody in France at that time believed in the final victory of the Axis. Cf. Geneviève Tabouis' remarks on page 250 of the collective publication, *The Sixth Column* (New York, 1942).

[32] Questions and answers are recorded at length by Montigny, *op. cit.*, pp. 81, 82.

[33] Montigny, *op. cit.*, p. 86.

points at the beginning of the official session, one relating to the so-called *Massilia* affair and the other to the minimum number of votes required for a decision of the National Assembly,[34] there was no debate in the plenary session in the afternoon of July 10, 1940, and no discussion of the merits of the revised bill which Laval had deposited with the *bureau* of the Assembly. The text of this bill, which became the Constitutional Law of July 10, 1940,[35] reads, in an English version:[36]

"Single Article.—The National Assembly grants all power to the Government of the Republic, under the authority and the signature of Marshal Pétain, with a view to promulgation, through one or more acts, of a new constitution for the French State. This constitution shall guarantee the rights of work, family, and native country. It shall be ratified by the nation and applied by the Assemblies which it shall create. The present Constitutional Law, passed and adopted by the National Assembly, shall be executed as a statute of the State."

Since even at this juncture the *anciens combattants* group still stuck to their counter-bill, although they had shown some readiness to consider a compromise, their delegates were granted a hearing before a Special Committee (*commission spéciale*) which, for the purpose of discussing the bill in committee, the National Assembly had established *ad hoc* by merging into one body the Senate's standing *commission de législation civile* and the Chamber of Deputy's standing *commission du suffrage universel*. It was expressly stated that these delegates should, in committee, receive such official clarifications as might win them over to support of the government bill.[37]

4. *The Two Versions of Boivin-Champeaux's Report.* During the meeting of the Special Committee, which lasted for about two and a half hours, the plenary session of the National Assembly was in recess. After it was reopened, there was a report by M. Boivin-Champeaux on behalf of the Committee. There are two versions of this report, one printed in the French official gazette,[38] the other in Montigny's publication mentioned above.[39] In the passage that is highly important for an interpretation of the ratification clause, both are verbally identical, with one exception. In Montigny's version, that passage contains a sentence not included in the official record. This is highly significant, for even Montigny, a witness, who was surely not biased against the Pétain régime,[40] states: The Mar-

[34] Upon the subsequent outcome of the vote, this issue concerning the method of computation became an academic question, since the number of *pros* actually received (569) was sufficient on any of the suggested principles.

[35] *Journal Officiel*, July 11, 1940.

[36] *International Conciliation*, No. 364 (Nov., 1940), p. 380.

[37] Officially recorded in the *Journal Officiel*, July 11, 1940.

[38] *Journal Officiel*, July 11, 1940. [39] Montigny, *op. cit.*, pp. 92, 93.

[40] He was one of those who voted *pro* in the National Assembly.

shal's constitutional authority "has been defined (*précisé*) by the vote of the National Assembly *and* the obligations to which Laval pledged the government (*engagements pris*) in the course of meetings of the parliamentarians, of sessions of the National Assembly, *and during the meeting of the Special Committee.*" (Italics added.)[41]

Let us first look at that part of the passage of Boivin-Champeaux's report which in both records is expressed by the same words. After recommending the enactment of the bill, with the understanding expressed in his report, and after a solemn peroration to the effect that "the sovereignty of the nation is . . . not a fiction, rather a vivid reality," the reporter went on to say: "The ratification of the new constitution by the persons who are to be its beneficiaries would obviously not be the right thing. We therefore appreciate that the Government, adopting a proposition of the *anciens combattants*, has modified the bill to the effect that the new constitution must be ratified by the nation." This language seems to indicate that during the meeting of the Special Committee, Laval, when cornered by the Veterans, abandoned what he had up his sleeve by committing the Government to an interpretation which made "ratification" tantamount in meaning to "acceptance."

Moreover, according to Montigny's version, M. Boivin-Champeaux went a step further by adding to the above-quoted sentences: "That means that the ratification shall be prior to the actual functioning of the new institutions." This statement, not contradicted by the Government, and thus tacitly recognized as a correct understanding of its commitments before the Special Committee, would seem to be one of the essential assumptions under which the vote was subsequently cast by the members of the National Assembly. That it was stricken out from M. Boivin-Champeaux's report before the Government had this report printed in the official gazette, is characteristic of the double-crossing practices employed.

In this connection, another interesting detail—one overlooked by all the writers on the topic—should be mentioned. While amending the original bill with the only declared purpose of making a concession to the *anciens combattants* group, Laval managed to eliminate the words "Président du Conseil" which stood in the original government bill after the name of the Marshal. They did not appear in the revised bill or in the law as finally enacted. This was done quite silently; nobody except the governmental inner circle seems to have been aware of the change.[42] However, this was not a harmless alteration; on the contrary, it was a radical change surreptitiously introduced in the drafting of the law. On July 11, 1940, the day after the revised bill had gone through, there appeared in *La*

[41] Montigny, *op. cit.*, p. 95.

[42] Even the Gaullist writers have so far failed to notice this manipulation.

*Dépêche* of Toulouse, a paper with close government connections, the following comment: "The new text does not contain the words *Président du Conseil*. That means that the glorious victor of Verdun will concentrate in his hands both the supreme leadership of the State and the executive power." In other words, the death sentence pronounced on the office of President of the French Republic was smuggled into the text of the Enabling Act. What a nice story! It gives strong support to the statement of an anonymous writer: "After the National Assembly disbanded, its members were quick to realize that they had been duped."[43] This may perhaps be an excuse, though a poor one, of people of allegedly or genuinely democratic belief who in the National Assembly voted *pro*[44] or went on record only as "voluntary abstainers,"[45] instead of joining the minority who voted *contra*.[46]

5. *Conclusions.* The foregoing story of the ratification clause of the Vichy Enabling Act seems to warrant the following conclusions. In view of the express and implied declarations which Laval, on the authority of the power of attorney given him by Pétain, made to the members of the National Assembly—declarations which won the majority required for the enactment of the Government bill—the ratification clause can be regarded only as a constitutional referendum[47] which has to precede the putting into force of any act purporting to change the Constitution of the Third Republic. Those commitments of the Government must be considered as more than a gentleman's agreement, the breach of which would not greatly worry Laval's conscience. They are to be read into the text of the law as an authentic interpretation which cannot be rejected without doing violence to the "legislative intention." Moreover, if the ratification

[43] Civilis, "French Democracy Underground," *Virginia Quarterly Review*, Vol. 18, pp. 14 *et seq.*, at p. 16 (1942).

[44] Including, e.g., Monsieur Camille Chautemps (now in this country) who, in a letter to the editor of the *New York Times* (Sept. 18, 1942), observed that his "compatriots . . . could never have conceived . . . the suppression of the Republic."

[45] Including Edouard Herriot, who, unlike Jeanneney, the chairman of the National Assembly, was not excluded from voting.

[46] Included in the *contra* voters, among many others, were Paul Boncour, Léon Blum, Marius Moutet, the Marquis de Chaubrun. The latter, great-grandson of the Marquis de Lafayette, was the only one who had voted *contra* in the session of the Senate on the previous day (July 9, 1940). To be sure, the Senate was then concerned only with the question of whether there should be any revision of the constitution by the National Assembly. Concerning this attitude of the Marquis de Chaubrun, see Thomas Kernan, *France on Berlin Time* (New York, 1941), pp. 211, 212.

[47] This term is here applied in a general sense rather than in the narrow meaning of a vote to ascertain community sentiment in the matter of transfer of territory. It would seem that for the latter conception the term "plebiscite" is more appropriate. Cf. Sarah Wambaugh's monograph, *Plebiscites* (New York, 1920), and her article, "Plebiscite," in *Encyclopedia of the Social Sciences*, Vol. XII, p. 163 (1935).

requirement meant a *post factum* appeal to the nation, rather than a condition precedent for the functioning of the new constitution, there is no reasonable explanation of the great ado about this point before its final settlement; since no date had been fixed in the law for the ratification by the nation, the referendum, postponable *ad Calendas Graecas*, would amount merely to a farcical concession made by Laval to the *anciens combattants*. A realistic consideration of the circumstances must lead to the conclusion that there was surely more to it.

It may perhaps be objected that such an interpretation makes senseless the grant of "all power" to the Government, as expressed in the beginning of the Enabling Act. This argument, however, can be easily refuted. The delegation of "all power," even though qualified by the further text of the law, retained an important scope. It gave the Marshal the authority to decree, by his fiat, changes in the existing law, including changes of legislation in so far as they did not amount to a change of the constitution.[48] It furthermore gave him the plenary executive power. Was this not enough?

As to the new constitution, there may be sincerity in the reiterated statements of Pétain that the nation cannot be called upon to ratify it before a treaty of peace shall have definitely fixed the territory and population of France and returned to its people their liberty of deliberation and action. The proposition is at least debatable, if perhaps not compelling. However, there is no *sequitur* from this assumption to the other thesis underlying Vichy's actual practice, namely, that the Marshal has authority to decree by his own fiat provisional changes of the constitution to be put into force with immediate effect, that is, before the nation has been given an opportunity to decide on ratification or non-ratification. Obviously, it is on this untenable theory that the Marshal has issued, for immediate enforcement, his Constitutional Acts (*actes constitutionnels*), which he expressly distinguishes from the "definite constitution" (*constitution définitive*).[49] As a matter of fact, there is nothing in the Constitutional Law of July 10, 1940, or in its legislative history, that would fairly lend itself to such a dichotomy between temporary and definite changes of

[48] The point may be raised, however, as to whether "organic" laws, which in French constitutional language are somewhat different from "constitutional" laws proper, belong to those that the Marshal had the authority to change without the approval of the nation. On the technical meaning of the term "organic" law in France, cf. Frederic A. Ogg, *European Governments and Politics* (2nd ed., New York, 1939), pp. 431–432. Incidentally, whether the Declaration of Rights of Sept. 3, 1791, remained in force under the Third Republic and, if so, whether as part of the constitution, has never been settled. On this controversy, see Ogg, *op. cit.*, p. 436, and Loewenstein, *loc. cit.*, pp. 890–891.

[49] E.g., in Art. 1 of the constitutional act of January 22, 1941, concerning the creation of a National Council. *Journal Officiel*, Jan. 24, 1941.

the constitution, only the latter to be subject to the ratification of the nation. The Enabling Act of July 10, 1940, has not made the Marshal sole arbiter of any change in the constitution, whether definitive or temporary. The writer is forced to agree with the French author quoted above that the constitutional acts of Marshal Pétain are "so many *coups de force.*"[50]

## RECENT CHANGES IN GERMAN GOVERNMENTAL ORGANIZATION[1]

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Within the last few years, changes have been carried out in the public administration of Germany which will affect the military government to be established during and after Germany's defeat. Their general trend has been to subordinate state (i.e., Reich, regional, and local) administration to the Party, which has been vested with more and more power. This is of particular interest in the light of the present "total mobilization," in which the Party plays a dominant part. To some extent, the changes discussed in this note show a definite trend toward decentralization, although there has been no actual delegation of powers to smaller units, since all power remained in the hands of the Party—this being, of course, the reason why the Nazis could afford to "decentralize." On the local level, the reforms aimed at tying together the loosening bonds between the régime and the people. Only the most recent emergency measures of "total mobilization" are touched on in this note.

1. *Gauarbeitsaemter.* When the Reichsanstalt[3] was created in 1927–28, the Reich was organized in 13 economic regions, each having one regional labor office (*Landesarbeitsamt*). The idea was to establish large economic districts containing various industries so that a crisis in one industry could be absorbed by the labor market of another within the same district, thus creating "*ausgleichsfaehige Bezirke.*" This principle was abolished by the Nazis when, in 1942, the *Landesarbeitsaemter* were replaced by *Gau* labor offices, i.e., the 13 regional districts were superseded by 42. Gauleiter Sauckel, in his capacity as Delegate-General for the Direction of Labor, later gave as the reason the necessity for increasing armament production,[4] but the real purpose was doubtless a closer coöperation between the

[50] Tissier, *op. cit.*, p. 62.

[1] This note is based partly on material provided by the Office of War Information. [2] On leave for government service, Office of War Information.

[3] Federal Labor Office for Placement and Unemployment Insurance. There were local and provincial labor offices, but no federal agency before 1927.

[4] *Deutsche Allgemeine Zeitung*, Sept. 8, 1943.

Party and that part of the administration which was responsible for manpower supply. To the principle, "The Party must run the State," were sacrificed all rules of sound administration, which would have prevented the splitting-up of the former 13 districts and the creation of 29 new offices at a time when there was a great shortage of personnel. In his desperate search for manpower, Goebbels, in the course of "total mobilization," has been combing through all branches of the administration.

2. *Increasing the Gauleiters' Power.* During 1942, the *Gau*[5] became the regional unit for economic, armament, and defense purposes. The *Gauwirtschaftskammer* absorbed the former chamber of artisans and chamber of commerce and industry. The *Gauleiter* became Reich defense commissar. Created in 1939, the office was attached to the seat of the army corps in each area. However, since there were only 15 corps areas (*Wehrkreisbezirke*), only the *Gauleiter* at the seat of the army corps was thus appointed. This situation was changed in November, 1942. The defense districts were split into 42 units to make each *Gauleiter* a defense commissar. Finally, an order of June 23, 1944, transferred the price control agencies from the office of the *Oberpraesident* and *Reichsstatthalter*[6] to that of the *Gauleiter*, combining them with the Office of Price Supervision.[7]

The offices of *Gauleiter* and *Oberpraesident* were combined in some instances, i.e., in the provinces of Saxony and Hesse-Nassau. This was done by a decree of April 30, 1944, which went into effect on July 1. Each of the two provinces was split in two, thus again creating smaller administrative units. The purpose, however, was to endow the *Gauleiter* with administrative power. Even now *Gaue* and provinces do not coincide. The new province of Magdeburg, northern part of the former province of Saxony, is part of the *Gau* Magdeburg-Anhalt, and the seat of the *Gauleiter* is Dessau, capital of the state of Anhalt, while his residence as *Oberpraesident* is Magdeburg. The governmental district of Erfurt, which was part of the province of Saxony, is administered by Gauleiter Sauckel, although it has not been incorporated into the Land (state) of Thuringia. Finally, the districts of Aurich and Osnabrueck were transferred from the jurisdiction of the *Oberpraesident* of Hanover to that of the *Gauleiter* of Weser-Ems. No territorial changes took place; both districts still belong to Hanover and thus to Prussia, but they are administered by an official outside Prussia. Thus the rise of the *Gau* as an administrative unit, if it does not foreshadow the dismemberment of Prussia, shows at least an

[5] The *Gau* is the territorial unit of the Party, the *Gauleiter* a high Party functionary.

[6] Both are state officials, the *Oberpraesident* governor of a Prussian province, the *Reichsstatthalter* head of a state outside Prussia. The latter office was instituted by the Nazis in 1933.

[7] *Deutscher Handelsdienst*, June 28, 1944.

anti-Prussian trend in Nazi administration as the Nazis, who have no tradition at all, contrary to popular belief in this country, have never been the flag-bearers of Prussian tradition.[8]

3. *Local Administration.* On the local level, early Nazi administrative reforms have admittedly been a failure. The removal of democratic institutions has resulted in a bureaucratization of city administration and in indifference and lack of understanding on the part of the people, a situation the Nazis are now trying to remedy.

Ever since the introduction of the new *Gemeindeordnung* in 1935, the Nazis have done lip-service to the principle of municipal self-administration. Actually, the *Gemeindeordnung* did away with the centuries-old institutions of popularly elected city councillors and mayors, and provided for the appointment of the former by the mayor upon the nomination of the liaison officer of the Party (in the cities usually the district leader, or *Kreisleiter*). For all practical purposes, this meant that the local party leader decided who was to become a member of the city council. Furthermore, since votes are no longer taken, all decisions being made by the mayor under the "leadership principle," the importance of city councillors, particularly of those who are laymen, has rapidly diminished. Apparently this has resulted in a general state of indifference among those in office. Last summer, a reshuffling took place in the cities of Wuppertal and Dortmund. In Wuppertal, six *Ratsherren* and 13 deputies were appointed.[9] Some of their predecessors had died, others had resigned. Obviously, the *Kreisleiter* had not for some time taken the trouble to replace them. In Dortmund, 11 *Ratsherren* resigned. In his introductory speech, the district leader remarked that the new men were chosen "so as to represent all groups of the population, many occupations, and from all parts of the city." In other words, the Party feels the need of reviving the representative principle of the old *Staedteordnung*—certainly not out of any propensity toward democratic procedure, but because of the necessity of popularizing measures taken by the city government. This was openly admitted by the mayor, who said that "the enlightenment of the population about unpopular measures is one of the most important tasks of the new *Ratsherren.*"[9] The press, commenting on this occasion, recalled a decree by Himmler (in his capacity as Minister of the Interior) of October 28, 1943, in which he encouraged the increase of laymen in local administration. It was admitted that the councillors had lost part of their importance during the war because they were not consulted in a normal and desirable way, as "decisions to be taken did not permit of any postponement."[9] Significantly, when Mayor Blaschke of Vienna introduced 14

[8] E.g., the territory reconquered from Poland in 1939, although former Prussian provinces, now became the *Reichsgaue* Danzig-Westpreussen and Wartheland.

[9] According to newspapers of western Germany, July, 1944.

newly appointed councillors, he promised that in the future they would not have to agree with decisions already carried out (as had been the practice so far), but would be consulted while measures were being planned.[10]

4. *Total Mobilization.* The impact of total mobilization on German administration cannot as yet be gauged in all of its ramifications, but according to available evidence it is disastrous. In one of his editorials in the weekly *Das Reich*,[11] Goebbels spoke of long-term measures "which are designed to do away with the over-bureaucratization of certain state machinery." He demanded a "profound change of our entire state and administrative apparatus, which must be cleansed of the last vestige of peace-time conditions," and proclaimed that "the superfluous growth of bureaucracy must be abolished." What these hints mean on the level of local administration can be seen in a decree by Himmler,[12] according to which the maintenance of municipal forests, parks, and buildings is to be discontinued; no new budgets are to be drawn up, as the 1944 budget will be used for the following years; and the accounting offices are to discontinue the regular checking of cash accounts and to make only occasional examinations. It can be surmised that the desperate need for manpower must have stripped all branches of administration of most of their normal functions. This subject, however, can be given adequate treatment only when more sources become available.

[10] *Deutsche Allgemeine Zeitung*, Sept. 8, 1944.

[11] *Das Reich*, Aug. 12, 1944.

[12] Min. Blatt d. Reichs- und Preuss. Min. d. Inn. No. 33, Aug. 8; Digest in *Deutsche Allgemeine Zeitung*, Aug. 26, 1944.

# INTERNATIONAL AFFAIRS

## HOW THE UNITED STATES "LED THE LEAGUE" IN 1931

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Many times we have been told that the United States led the League in dealing with the Manchurian Affair of 1931. The statement is essentially false, but contains an element of truth in that the League did defer to the United States. It recognized that it could accomplish nothing in the Far East without American support and played for that support, but without getting it at the critical points. The United States Government did not lead—rather it deliberately chose to follow; it refused coöperation with the proposed first effort of the League; it supported, if it did not lead, the abandonment of the immediate issue represented by the Resolution of December 10 and the appointment of the Lytton Commission; and its leadership was clear only in the final substantive surrender represented by the Non-Recognition Policy.

The United States Government deliberately chose to *follow* rather than to *lead*. Ex-Secretary Stimson states twice in his *Far Eastern Crisis*, at the beginning of his discussion of American policy and again in a context relating to the middle of October, that such was this Government's choice:[1]

"Both of these considerations, coupled with the important fact that the League had already taken jurisdiction of the matter, pointed in the same general direction. They indicated that our most useful function would be to furnish independent support to the League rather than to play a rôle of leadership. In that respect they served to confirm the policy of cautious action which we determined on. Our policy should be to coöperate and support and so far as possible to avoid clashing with the League policy.

"We must create no doubt in the minds of our friends of our warm support of their general objectives. On the other hand, we must leave to them the work of examination and conciliation which they had assumed under Article XI and, in the light of our historic policy not only towards the League but in all other matters of international coöperation, we must make it clear from the beginning that our ultimate action must always be the result of our own independent judgment" (p. 41).

"The United States continued its policy of endeavoring to support the persuasions of the Council by representations through diplomatic channels" (p. 59).

"Finally there was the consideration to which I have already referred and which had been constantly in our minds throughout our coöperation

[1] Henry L. Stimson, *The Far Eastern Crisis* (New York, 1936), pp. 41, 59, and 62.

with the League. That was the importance of preserving League initiative as distinguished from initiative by the United States. The original suggestion of joint action had come from the nations at Geneva. It arose from their united impulse, not from our suggestions" (p. 62).

Various notes and statements of this Government spoke of following the League (independently though parallel) or of supporting it.[2] It did in fact follow on several minor points. For example, on October 17, six powers reminded Japan of its obligations under the Pact of Paris; the United States followed on the 20th.[3]

Ambassador Dawes took an active part in the negotiations of November 13–December 10, but was careful to point out that the initiative remained with the League:[4]

"It was not the desire of the American Government that, as its representative, I be put in the position of an arbitrator or initiator of League action, but to use my discretion in contributing by advice and counsel.... This implied on my part a recognition of League leadership in the devising of methods and formulas where these methods and formulas appealed to our individual judgment as wise.

"I do not wish . . . to create an impression that I regard our part in the negotiations as not conducted under League leadership. This would be unfair and unjustified. Reserving independence of judgment, most of what I did was supplementary to the plan of the Council, upon which chiefly devolved the responsibility of initiation."

Thus the evidence shows that it was the deliberate decision and purpose of the American Government that it should *not* lead in the solution of the Manchurian episode. But did the Government, in spite of this decision, exercise leadership?

The Japanese began seizing Manchuria on September 18, 1931. On the 21st, the Chinese Government appealed to the League under Article XI

[2] E.g., on November 6 the Secretary of State issued this statement: "The policy of the United States remains unchanged, namely, by acting independently through the diplomatic channels and reserving complete independence of judgment as to each step, to coöperate with and support the other nations of the world in their objective of peace in Manchuria."

[3] The American Government's first note of concern was sent to Japan on September 22. The League sent a similar note, and apparently, though it was sent "at night," it preceded that of the United States. Geneva time is five or six hours ahead of Washington's, and the League's note was given precedence in the State Department's collection of documents. *Conditions in Manchuria*, Sen. Doc. 55, 72d Cong., 1st Sess. (1932).

[4] C. G. Dawes, *Journal as Ambassador to Great Britain* (New York, 1939), p. 417. Cf. Secretary Stimson's instructions to Ambassador Dawes, *For. Rel.*, pp. 41–44, especially p. 44: "I do not want us to push or lead in this matter; neither do I want the American Government to be placed in the position of initiating or instigating League action."

of the Covenant.[5] The League had dealt successfully with several dangerous incidents in Europe, and the Council of the League immediately sought to apply the technique it had used in Europe—the instant appointment of a board of investigation composed of the nearest available men, coupled with an appeal to stop all fighting or occupation of further territory. Would the United States participate in the investigation? The American Secretary of State, Mr. Stimson, declined. He would make independent appeals to the Japanese and Chinese Governments, but he was convinced that the Japanese Government was opposed to the aggression of its army and would withdraw that army if only its "face" could be saved by an absence of foreign interference or formal collective investigation.[6] Because of this refusal of support, the League withheld its investigation—proving the dominating influence of the United States. The Japanese saw the lack of coöperation between the United States and the League and resumed their advance in Manchuria. On September 30, the Council adjourned with a resolution noting the Japanese statements that they had no territorial designs in Manchuria and were withdrawing their troops.

On October 8, the Japanese bombed Chinchow, 120 miles southwest of the area in which they maintained they had been attacked on September 18.[7] On October 11, an American note to the League was made public, which has been called an "assurance of support." The Secretary of State urged that the League "in no way fail to exert all the pressure and authority within its competence." The United States would "*endeavor to*[8] reinforce what the League does." Consul[9] Prentiss Gilbert, the American "observer," was authorized to attend the meetings of the Council but to

[5] There is no evidence that the United States was consulted or exercised any influence to induce the League to take jurisdiction, and there appears no possibility that the League would have refused jurisdiction, whatever the attitude of the United States.

[6] See the argument in the Secretary's dispatch of September 24 to Nelson T. Johnson, American minister in China. *Papers Relating to the Foreign Relations of the United States—Japan: 1931–1941.* (Two vols., Government Printing Office, 1943), Vol. I, p. 10. This volume is elsewhere cited as *For. Rel.*

[7] The attack was specifically upon the university in which Chang Hsueh-liang, the governor of Manchuria, had set up his government temporarily. Americans who had felt that they must credit the Japanese professions began to see the light and to recognize a campaign to drive Chinese authority completely out of Manchuria. Compare Lord Robert Cecil's "It now began to look," quoted below, p. 110. Various observers in Manchuria in the summer of 1931 had noted Japan's preparations for attack and had predicted it. Cf. dispatches from the American minister in China, Sept. 21 and 22, *For. Rel.*, pp. 3 and 5.

[8] Throughout this paper, the italics are inserted by the writer.

[9] Members of the Council were generally ministers of foreign affairs or diplomatic officers of the highest rank.

speak only when the application of the Kellogg-Briand Pact was being discussed. The Council overrode the Japanese objection to admitting a representative of a non-member state. Hopes were rising for strong action by the League and full support from the United States. But when on October 16 the president of the Council welcomed the American representative, Mr. Gilbert did little but reiterate that he could say nothing except while the Council was discussing the application of the Kellogg-Briand Pact[10] (under which the question of sanctions would not arise). He spoke of "*moral* support," but "in your deliberation as to the application of the machinery of the Covenant of the League of Nations, I repeat, we can of course take no part." The Kellogg-Briand Pact "represents to us in America an effective means of *marshalling the public opinion of the world behind the use of pacific means only* in the solution of controversies between nations." So when the historian reads the Secretary of State's dispatch about the United States endeavoring to "reinforce what the League does," he should underline the restricting phrase "acting *independently* through its *diplomatic* representatives." After all, the United States Government had no thought of *joint* action; no thought of *action* at all—just diplomatic talk in a halo of impalpable world opinion.[11]

President Hoover dictated the policy of the government. He presented to the cabinet a memorandum of views on the subject, in which he showed himself rather sympathetic to the Japanese and reiteratively decisive on the point that the United States should not go beyond moral suasion. The memorandum said in part:

"The whole transaction is immoral. The offense against the comity of nations and the affront to the United States is outrageous. But the Nine-

[10] "You are authorized to participate in the discussions of the Council when they relate to the possible application of the Kellogg-Briand Pact, to which treaty the United States is a party. You are expected to report the result of such discussions to the Department for its determination as to possible action. If you are present at the discussion of any other aspect of the Chinese-Japanese dispute, it must be only as an observer and auditor." (Instructions to Prentiss Gilbert, quoted from Stimson, *op. cit.*, p. 65).

[11] Persons inclined to stress the plurality of a "Government" may say that part of the Government did think of action. It was reliably reported that Secretary Stimson and certain others in the State Department favored action, even sanctions if other measures failed. But the President overruled them; he was the Government in this instance. This difference of opinion, naturally, is excluded from the documents; but note that on September 24, prior to the President's intervention in the matter, the Secretary's dispatch to the American minister in China, said, as paraphrased: "Since in this matter the League has already taken action and since as members of the League both parties have agreed to submit to the action therein provided, this Government would be inclined to favor, in case direct conversations are unsuccessful between the two parties, action under Article XI *and subsequent articles of the League Covenant* signed by both Japan and China" (*For. Rel.*, pp. 10–11). Article XV provided for sanctions.

Power Treaty and the Kellogg Pact are solely moral instruments based upon the hope that peace in the world can be held by the rectitude of nations and enforced solely by the moral reprobation of the world. We are not parties to the League of Nations, the covenant of which has also been violated.

The problem lies in three parts:

First, this is primarily a controversy between China and Japan. The United States has never set out to preserve peace among other nations by force and so far as this part is concerned *we shall confine ourselves to friendly counsel.* . . .

Second, our whole policy in connection with controversies is to exhaust the processes of peaceful negotiation. But in contemplating these we must make up our minds whether we consider war as the ultimate if these efforts fail. Neither our obligations to China, nor our own interest, nor our dignity require us to go to war over these questions.

These acts do not imperil the freedom of the American people, the economic or moral future of our people. I do not propose ever to sacrifice American life for anything short of this . . . .

. . . As the League of Nations has already taken up the subject, *we should coöperate with them in every field of negotiation or conciliation. But that is the limit. We will not go along on war or any of the sanctions, either economic or military, for those are the roads to war.*"[12]

[12] See partial text in Wilbur and Hyde, *The Hoover Policies*, pp. 600–601, or in William Starr Myers, *The Foreign Policies of Herbert Hoover* (1940). It is not necessary to assume that the memorandum was the personal work of the President. The President may have left the drafting, e.g., to William R. Castle, Jr., Under-Secretary of State, who led the opposition in the State Department to any interventionist policy, according to contemporary reports inside and outside of the State Department. He served as ambassador to Japan in 1930. After Japan's renewed attack on China in 1937, he made isolationist speeches on United States foreign policy. He disclaimed being pro-Japanese, but accepted Japanese claims, e.g., that the Chinese were the attackers on September 18, 1931—even though they had been discredited by impartial investigation.

This memorandum is not dated, but its language suggests that it was written not long after the start of the Manchurian Affair. "The League of Nations has already taken up the subject" would scarcely be the language of a man writing some months later. "We should coöperate with them in every field of negotiation or conciliation" is a general directive such as would naturally be written in a memorandum near the beginning of the Affair, when the President was laying down a policy. The date, however, is not vital. Two members of the cabinet give us the text and ascribe it to the President. The American policy was clear and consistent and reflects throughout the spirit of the memorandum, whenever it may have been written.

The note of "assurance of support" was dated October 5, but was not cabled to Geneva until the 9th, and on the 11th the Secretary-General of the League gave it to members of the Council. Felix Morley, *The Society of Nations* (Washington, D. C., 1932), p. 446. Secretary Stimson says: "On October 9 I had discussed the matter in all its aspects before the Cabinet. On October 10, I had a long talk with the President, whose mind up to that time had been so preoccupied with the financial crisis at home that necessarily he had been able to give but little thought to Manchuria . . . . At this conference on October 10th President Hoover, having evidently been thinking over the matter since my Cabinet discussion the day before, plunged

The Japanese Army continued to drive the Chinese forces and officials out of Manchuria. The Japanese Government had made promises, but there was no sign of its observing them. How much support the League's leaders thought they would have from the United States is not clear, but on October 24 all the members of the Council except the Japanese voted for a strong resolution demanding the withdrawal of the Japanese troops by November 16.[13] This resolution, agreed upon in preliminary conferences, was supported by public speeches in open session. The American observer remained silent, even though the resolution invoked the Pact of Paris.

Action under Article XI of the Covenant was not legally binding unless unanimous, and Japan had voted against the resolution. More than that, the resolution did not represent unanimous moral pressure from the nations, for the United States did not support the time limit—the crucial point. Secretary Stimson's memorandum of November 3[14] to the Japanese Government argued that the military difficulties should be solved separately from the broader issues between Japan and China relative to Manchuria, and in the last paragraph "found confirmation" for this view in the position taken by the Council of the League, and concluded: "My Government confidently hopes that both Japan and China will be guided by the *spirit* of the resolutions above referred to and will make every possible effort to follow a course consistent therewith." To Ambassador Forbes, the Secretary cabled on November 5: "The terms of the resolution, you will note, have not received unqualified endorsement on my part; and as for a date, I have deliberately refrained from mentioning one."[15] On November 6, the Secretary of State reiterated that the United States was acting "independently and through the diplomatic channels and reserving complete independence as to each step."[16] If by any chance

vigorously and sympathetically into my problem and expressed himself quite ready to authorize such a joint session centered on the subject of the Kellogg-Briand Pact." This passage may be taken as proof that the President's memorandum was not written earlier than October 9 or 10; perhaps we may plausibly conjecture that it was written on the 10th or 11th to give rounded and definite form to the views of the President given orally on the 9th and 10th. But, as stated above, the date of the memorandum makes little or no difference.

[13] Viscount Robert Cecil states that this resolution "was settled by Lord Reading in concert with members of the Secretariat." *A Great Experiment; Autobiography of Viscount Cecil* (London, 1941), p. 226. But see Consul Gilbert's report, *For. Rel.*, pp. 31–33.

[14] The Memorandum of November 3 may have been timed to allow Ambassador Forbes, returning to Tokyo, to present it in person on the 5th. See text in *For. Rel.*, pp. 34–35.

[15] *For. Rel.*, p. 36.

[16] Morley, *op. cit.*, p. 461. See full text in footnote 2 above. Note that the League as such is not mentioned, and the support is for its objective, not its means.

the Japanese overlooked the independence of the United States and its failure to support the League's time limit, Ambassador Dawes underlined the point a few days later, as brought out below.

Doubtless those American officials who were wholly devoted to moral suasion honestly believed it bad tactics to set a time limit for Japanese withdrawal. But the League (proceeding under the conciliatory Article XI of the Covenant) was limiting itself to diplomatic pressure; and the American Government should have realized that to break the diplomatic unity at this point would wreck all hope of Japanese compliance. Lacking unanimous pressure, Japan did not withdraw its troops but advanced them, and the prestige of the League suffered severely.

So far, the League's first objective was to obtain the cessation of hostilities. It had not attempted to deal with the merits of the question (though perhaps the demand for withdrawal of Japanese troops implied that they were where they had no right to be). In League circles, a sharp distinction was made between the different stages of action. Under Article XI, the only one invoked while the matter was before the Council of the League, its function was "not to settle the dispute or pass judgment on the action of the parties, or indeed to do anything but safeguard the peace of nations. It was only when peace had been safeguarded, for that was primarily the duty of the Council, that any question as to the settlement of the actual dispute could arise."[17]

The League's effort to set a time limit was evidently being ignored by Japan. For two months, all efforts to stop military action had failed. What was to be done?

On November 12,[18] Secretary Stimson asked Ambassador Dawes to go from London to Paris for the meeting of the Council to be held there on the 16th (perhaps a significant transfer from Geneva). Mr. Dawes writes:

"I got busy at once . . . . I first saw my friend Matsudaira, the Japanese Ambassador to Great Britain. Our personal friendship facilitated the frankest kind of a discussion between us. I then saw Sir John Simon [British Foreign Minister] . . . . I suggested that he meet Matsudaira and me together, as we all seemed to be united in purpose with about the same views as to the procedure the situation required.

Yesterday [November 12] the three of us met for a long conference.

[17] Viscount Cecil, quoted by Quincy Wright in "The Manchurian Crisis," in this REVIEW, Feb., 1932. For full discussion of the procedure, see Denys P. Myers, *The Sino-Japanese Conflict; The Procedural and Factual Summary of Governmental and Institutional Action* (Boston, World Peace Foundation, 1931–32). Mimeographed.

[18] November 12, according to Dawes' *Journal. For. Rel.*, p. 41, states that the Secretary called Mr. Dawes on the telephone on Nov. 10; and the instructions to him (pp. 41–44) are dated Nov. 10, 8 p.m. Perhaps a day was lost in decoding the instructions.

. . . [all plans are tentative]. Last night at the Embassy, Matsudaira and I had another conference."[19]

Mr. Dawes' personal views were important, since "Our Government left it largely to my discretion to contribute in any proper way towards finding ways and means by which China and Japan might be brought to agree upon some method which would achieve the prevention of war . . . ."[20] Arriving in Paris on November 13, Dawes gave out a statement emphasizing the desire to "prevent war" between China and Japan. It recognized that the United States and the League had some interests in common, but "my Government and I" do not anticipate "that it will be found necessary for me to attend the meeting of the Council." Dawes did not attend any meeting; i.e.,[21] publicly and visibly the coöperation of the United States and the League became less close. Mr. Morley notes that Mr. Dawes had the reputation of being hostile to the League.[22]

In regard to substantive policy, the essence of the "critical negotiations" of November 15–20 related to the terms in which the League would retreat from its demand for early withdrawal of Japanese troops. Mr. Dawes had begun on this line before leaving London, though he ascribes similar and independent views to Sir John Simon. He had then written:

"In my first talk with Matsudaira, we both felt that the League should withdraw its time limit for the evacuation of Japanese troops. To have made it was a serious error, in my judgment. We agreed that the immediate objective should be the cessation of hostilities under an armistice,

[19] Just following this reference to three meetings with the Japanese Ambassador, Dawes wrote: "I shall meet the Chinese representative, Alfred Sao-ke Sze, at my hotel in Paris at noon on Sunday."

In addition to general instructions from the Department, and the information provided by his friend Matsudaira, Mr. Dawes (who had had no experience with the Far East) had the assistance of Eugene Dooman. Mr. Dooman was born in Japan and in 1912–31 had risen from student interpreter there to secretary in the diplomatic service in Tokyo. He had no service in China. He became First Secretary in London on April 4, 1931. He served in the Department of State in 1933–36, was again in Japan in 1936–37, returned to Washington, and was in the State Department in the period of appeasement of Japan. After his service at Paris, Secretary Stimson cabled, "Please felicitate Dooman . . . for his highly efficient and competent service."

[20] C. G. Dawes, *Journal*, p. 411. In some three weeks, Dawes and the Department of State exchanged about 100,000 words by cable (*ibid.*, 417); every step seems to have been approved except one proposed statement.

Mr. Yoshizawa, Japanese representative in Geneva through December 10, 1931, returned to Tokyo and on January 18, 1932, became foreign minister. On the 19th, Ambassador Forbes reported: "He was particularly cordial in tone. Mr. Yoshizawa took occasion to speak in the highest terms of the part played by Ambassador Dawes in helping to bring about the form and adoption of the resolution of the League of Nations." *For. Rel.*, p. 79.

[21] *Journal*, p. 414. [22] Morley, p. 463.

pending discussion of the best agencies and methods of final settlement. In my talk with Simon, immediately afterward, he agreed that while the League might have the better juridical argument, Japan, notwithstanding, seemed to have the argument in its favor as to the necessary location of troops. His idea was the same as mine, independently formed, namely, that the League had best propose a *cessation of hostilities without suggesting any change at present in the location of Japanese troops*, pending an agreement upon the agencies and methods of securing final settlement.

"All this was before the meeting yesterday of Simon, Matsudaira, and myself."[23]

Relating to mid-November, he wrote:

"Briand inquired as to the probable attitude of the United States if, instead of proceeding under Article XI as at present, the Council thereafter came to consider positive action under Articles XV and XVI of the Covenant, which provide for sanctions.

"My reply was that I had been informed that the United States[24] would not join in the consideration of the question of sanctions or in the enforcing of them if thereafter imposed by the League."[25]

It is not likely that Briand, if he was alone when he heard this revelation, failed to inform his confreres, and perhaps General Dawes said the same to his friend Matsudaira. Be that as it may, three days later Secretary Stimson was trying to combat rumors that the United States would not support the League, and the Japanese had gone back to their most extreme contentions. The President's policy of relying on public opinion, however, left the Secretary little to say except that "on the central point" of the controversy we "fully *sympathized* with the League." As the Secretary recorded his conversation with Mr. Debuchi, the Japanese Ambassador:

"I told him further that there had been very unfortunate rumors coming from various sources in regard to my having assured Debuchi that the American Government would not support the League in its issue against Japan. I told Debuchi that I did not attribute these rumors to him, but that they were very false and very embarrassing, and I reminded him of how I had made it very clear that on the central point of the controversy between the League and Japan we fully sympathized with the League. I told him further that I had received word from Paris that yesterday Mr. Yoshizawa, in his speech before the League, had gone back to the most extreme contentions of Japan in regard to insisting upon ratification by China of these treaties before there was any evacuation by the Japanese troops; that Yoshizawa had even gone so far as to say that it would not be sufficient even to ratify the old treaties, but there must be a new treaty ratifying them."[26]

[23] *Journal*, p. 412.

[24] He should have said the Hoover Administration; for it is possible that if the League had imposed sanctions, public opinion would have led Congress to pass legislation contrary to President Hoover's policy.

[25] *Journal*, p. 416. [26] *For. Rel.*, p. 45.

How seriously Briand, the Secretariat of the League, and leaders of the small states considered the idea of sanctions, it is perhaps impossible to discover; but the idea was promptly and decisively squelched by the United States. The United States Government was far indeed from leading on sanctions; rather, that Government had indicated clearly that it would not follow if the League should decide to impose them.

Viscount Robert Cecil tells us that after the Japanese bombed Chinchow (October 8):

"It *now began to look* as if the original account by the Japanese of their action and objects was not to be relied on. I therefore obtained the leave of Lord Reading to get together a small unofficial committee to consider what could be done if Japan was obdurate. There were four of us, all with considerable experience of the League. We drew up a short report, pointing out that up till then the proceedings had been under Article XI, which is the preventive article. But in view of the present attitude of Japan, Articles XV and XVI might have to be invoked. These are the articles which provide for sanctions, diplomatic and economic in the first instance. Our report said *that no such sanctions could be effective unless the United States would join in them,* and that therefore the first step should be to ascertain what attitude she was prepared to adopt. If it was favorable, we made suggestions as to what might be done. The truth is that Japan is very vulnerable to economic sanctions. She has comparatively few internal resources for the manufacture of armaments and can only import the materials needed if she can maintain her exports. Since the United States and the British Empire take a very large proportion of those exports, action by America and the League Powers in refusing to accept them must have been very effective. When Lord Reading understood what we suggested he was much disturbed and begged me to take no further action of that kind and naturally I obeyed. His anxiety was caused by the financial position, which was very precarious. To him and to his colleagues it seemed a matter of relatively small moment what happened in Manchuria, where Britain had no territorial interests and very little trade.[27] The infinitely larger British interest in maintaining the law of peace was never appreciated by the 'National' Government till recent events forced ministers to reconsider their point of view."

Elsewhere Viscount Cecil blames Lord Reading for not having inquired concerning the position of the United States Government; but, considering the background of events since 1919, the British Foreign Office is hardly to be criticized for assuming that there was no need to ask about

[27] While this brief reference sounds decisive, it is far from proving that Lord Reading's Foreign Office and the MacDonald Government might not have followed, in some later crucial period, American lead for sanctions. Cf. Viscount Cecil's statement at the foot of the same page: "MacDonald thereupon reconstructed and enlarged his Government—the most important change from the League point of view being the substitution of Sir John Simon as Foreign Secretary instead of Lord Reading. However, we did not then know its importance." Recall also Reading's authorship of the strong resolution of October 24. Viscount Cecil, *op. cit.*, pp. 225–226.

American policy. The United States had not joined the League, and the political atmosphere was such that presidents and secretaries of state considered it advisable to reiterate that they were making no foreign commitments, but were pursuing an independent policy. One must believe that the British Foreign Office had followed President Hoover's public addresses. On November 11, 1929, he had said:

"We are interested in all methods that can be devised to assure the settlement of all controversies between nations.

"There are today two roads to that end. The European nations have, by the convenant of the League of Nations, agreed that if nations fail to settle their differences peaceably then force should be applied by other nations to compel them to be reasonable. We have refused to travel this road. We are confident that at least in the Western Hemisphere *public opinion will suffice to check violence. This is the road we propose to travel.*"

In April, 1930, he had said:

". . . the instinct of the vast majority of our people is that our contribution is not to be based upon commitments to use force to maintain peace . . . . I believe it is clear that the United States can more effectively and wisely work for peace without commitments to use coercion to enforce settlements."

From the beginning of the Manchurian crisis, the United States had explicitly limited its coöperation to diplomatic representations, it had refused to coöperate in a commission of inquiry, and it had refused even verbal support of a time limit for Japanese military occupation of Manchuria. The American "observer" had spoken of an American policy of "marshalling the public opinion of the world behind the use of pacific means only." What optimist could think it worth while to ask whether President Hoover would support economic sanctions? In any case, M. Briand and presumably other League leaders knew on November 16 that President Hoover had explicitly refused to follow even if the League should lead in the matter.

The League resolutions under Article XI had failed to stop the military action; they had not led to conciliation. The next steps, according to the Covenant, should have been economic and, if necessary, military sanctions to enforce justice and peace. But without American support apparently no one was willing to give a second thought to such enforcement. In fact, soon after the United States failed to join the League, that body made moves to water down the obligation in regard to sanctions; and in 1925 the Government of the United Kingdom had referred to the necessity of "taking stock of the degree to which the machinery of the Covenant has already been weakened by the non-membership of certain great states."[28]

[28] Edward Hallett Carr, *Britain; A Study of Foreign Policy from the Versailles Treaty to the Outbreak of War* (1939), pp. 102–104. See also his Chap. II, which stresses the dependence of major British policies upon the attitude of the United States.

The suggested time limit was expiring—what move should the League make now? In this dilemma, Mr. Morley observed that the Council was seeking a "compromise."[29]

So, in accordance with the views of the representatives of the dominant powers—Matsudaira, Simon, and Dawes—the idea was accepted that the League should account it a victory if open war between China and Japan were averted. The League should continue to urge the cessation of hostilities and to exhort against the advance of troops, but it should not attempt to dictate the withdrawal of Japanese troops. Hence the resolution of December 10, though it called on both sides to maintain the military status quo,[30] was passed with a Japanese reservation that their troops might take action against "bandits." Since throughout the affair "bandits" had been the Japanese term for any Chinese resisting their advance, the resolution signalized the abandonment of the attempt to check the Japanese occupation of the four provinces of Manchuria.

Even while the Council was sitting, on November 17–20, the Japanese attacked and defeated General Ma Chan-shan at Tsitsihar—practically the only organized resistance they met in Manchuria. Tsitsihar was the capital of Heilungkiang, the northern province of Manchuria, which had been a Russian sphere in which the Japanese had no interest. Secretary Stimson stated flatly that no Japanese resided at Tsitsihar. At the end of November and through the early days of December, the Japanese were

[29] *Op. cit.*, p. 463. Note that Mr. Felix Morley was living in Geneva to observe the operations of the League.

The Under-Secretary of State in Washington on November 15 expressed the hope that China and Japan would reach a "compromise" during the meeting of the Council.

[30] The resolution began as follows: "The Council: (1) Reaffirms the resolution passed unanimously by it on September 30, 1931, by which the two parties declared that they are solemnly bound; it therefore calls upon the Chinese and Japanese Governments to take all steps necessary to assure its execution, so that the withdrawal of the Japanese troops within the railway zone may be effected as speedily as possible under the conditions set forth in the said resolution. (2) Considering that events have assumed an even more serious aspect since the Council meeting of October 24, notes that the two parties undertake to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which may lead to further fighting and loss of life."

These paragraphs allowed some to dream that "if carried out in good faith" the resolution of December 10 would settle the whole affair.

Mr. Yoshizawa for Japan put on the record the reservation that paragraph 2 "is not intended to preclude the Japanese forces from taking such action as may be rendered necessary to provide directly for the protection of the lives and property of Japanese subjects against the activities of bandits and lawless elements rampant in various parts of Manchuria. Such action is admittedly an exceptional measure called for by the special situation prevailing in Manchuria, and its necessity will naturally be obviated when normal conditions shall have been restored in that region."

accusing the Chinese of massing troops at Chinchow and north of the Great Wall, and there were other signs of Japanese preparations to attack this area. The Japanese Government, however, persuaded the Army to halt at least until the Resolution of December 10 was on the records, and the area was not fully occupied until the first days of 1932.

The great feature of the December 10 resolution, however, was the establishment of the Commission of Inquiry. This Commission was to deal with the so-called merits of the situation. It might (and did) find the Japanese action unjustified, but it was not set up to determine justice or to establish it; rather it was to "contribute toward a final and fundamental settlement." This proposed settlement (if we may look forward) would give the Japanese enough control over Manchuria to satisfy them (it was hoped) while leaving something for China (i.e., "sovereignty"). The League would not struggle with this problem itself, but would have the Commission of Inquiry produce in the course of time recommendations along this line. It is in particular reference to this move that Mr. Dawes makes his disclaimer that the United States was leading the League; but the United States at this point at least firmly supported the League—getting the text of the resolution in advance and being ready with an instant supporting note to Japan. And why not? Japan had formally proposed the Commission of Inquiry and had agreed to the high-sounding and useless resolution.

Officially, the United States Government was not represented on the Commission, but informally it coöperated in the choosing of an American member, General Frank McCoy. This formal dissociation again shows something less than full coöperation with the League, but the point is probably not important, as only a few optimists really expected the League to take, after the Commission's report, the decisive action which it had so conspicuously failed to take earlier.

On November 21, the Japanese had proposed this Commission of Inquiry. The Chinese representative noted that the proposal, unless accompanied by measures to force cessation of hostilities and withdrawal of Japanese troops, "becomes a mere device to condone and perpetuate indefinitely the unjustifiable occupation of China's territory by an aggressor who has virtually obtained his objective while these discussions have been going on." [He meant the *immediate* objective.] The Commission of Inquiry was voted in December, named in January, and under the chairmanship of Lord Lytton sailed from Europe on February 3, 1932. And on February 24, 1933, the League approved its compromising report, to which the Japanese paid no attention; instead they were seizing more territory, since there was no opposition except verbal.[31] In December,

[31] An American consul wrote early in November, 1932, that a well-informed Japanese official had told him that the Japanese would not be ready for another forward

1931, this complete defeat of the League was glossed over in apologetic speeches about "special circumstances" and "not making a precedent."

Most of this story lies on the face of the published records. Much of it was published at the time. Whence, then, the legend, persistently repeated by isolationists, that the United States was "leading the League" in measures against Japan, but was getting no support from Britain? Through the decisive period September–December, 1931, the only shred of supporting evidence is Secretary Stimson's exhortation in early October that the League in no way fail to exert all the pressure within its competence—an exhortation which was simultaneously nullified by refusal of American coöperation. The League obviously deferred to the United States in the fall of 1931; its procedure was delayed and enfeebled by unsuccessful attempts to obtain coöperation. Any leadership of the United States Government at this time was backward: It vetoed the instant board of investigation; it sabotaged the strong resolution of October 24; and it shied at the first mention of economic sanctions.

Evidently one source of the legend has been a careless reading of ex-Secretary Stimson's *The Far Eastern Crisis*. After the League, in December, 1931, had, as the Chinese said, "condoned and perpetuated indefinitely" Japan's occupation of Manchuria, Mr. Stimson could not reconcile himself to the reality. He still wanted to rally the public opinion of the world against Japan. As soon as the Japanese had seized the last square mile of Manchuria, on January 7, 1932, he put forward the "Hoover doctrine"[32] of Non-Recognition, which he hoped "would effectively

move until the first of the year. On January 1, 1933, the Japanese seized Shanhaikwan and proceeded leisurely to occupy the whole province of Jehol—with incursions south of the Great Wall, leading to the Tangku Truce of May 31, 1933. The Japanese had seized Manchuria under the slogan: "We have no territorial ambitions in Manchuria." On January 5, 1933, the Japanese ambassador assured Secretary Stimson that "in any event Japan had no territorial ambition south of the Great Wall." *For. Rel.*, p. 107.

[32] President Hoover wished it to be so known (see William Starr Myers, *The Foreign Policies of Herbert Hoover, 1929–1933*, pp. 163–169). Compare President Hoover's speech accepting renomination, August 11, 1932: "My foreign policies have been devoted to strengthening the foundations of world peace. . . . We have given leadership in transforming the Kellogg Pact from an inspiring outlawry of war to an organized instrument for peaceful settlements backed by definite mobilization of world public opinion against aggression. We shall, under the spirit of that Pact, *consult* with other nations in times of emergency to promote world peace. *We shall enter no agreements committing us to any future course of action or which call for the use of force to preserve peace.* . . . Above all, I have projected a *new doctrine* in international affairs, the doctrine that we do not and never will recognize title to possession of territory gained in *violation of the peace pacts.* That doctrine has been accepted by all the nations of the world on a recent critical occasion, and within the last few days has been accepted again by all the nations of the Western Hemisphere. *That is public opinion made tangible and effective.*" [Sic!]

bar the *legality*" of Japan's occupation; and in February he wanted the Powers to send notes to Japan reaffirming the sanctity of the Nine-Power Treaty, which Japan had torn to shreds.[33] Mr. Stimson gives details of these futile verbal excursions and stresses his failure to interest Sir John Simon in them, even though he used the Transatlantic telephone for direct appeal to Sir John.[34] He does not repeat Sir John's reasons, but perhaps the British Foreign Minister thought that a government of adults should have a sense of reality and stop believing that words are acts.

The most significant passage of ex-Secretary Stimson's book has been generally overlooked. Having failed to mention economic sanctions in his narrative,[35] he advocates them in his concluding reflections on the problem of world peace. In supporting the idea of collective security enforced by deeds and not mere words, he *assumes that Britain will lead the League,*

[33] It is discouraging to read what American leaders wrote in the inter-war period. Presidents and secretaries of state apparently believed they could eliminate war by such pious resolutions as the Kellogg Pact. They talked as if public opinion were a force, a conquering force, in all parts of the world. Secretary Stimson's book abounds in "action," but the reader becomes aware that words and actions are not distinguished. Nowhere does his "action" even contemplate *action*. It is pitiful to note in the diplomatic correspondence how impossible it was, within the limits of the President's policy, for the Secretary of State to tell the Japanese anything to which they felt they had to pay serious attention. He urged "the serious effect on the opinion of the American public" (p. 56); "it would be most unfortunate for all and especially for Japan" . . . ; it "would be regarded as unjustified by the world" (p. 64); "again frankly to convey to the Japanese Government expression of my apprehension" . . . "a most unfortunate effect on world opinion" (p. 66); "would make a very serious impression on everybody" (p. 70); "the American Government would view with great concern" (p. 90).

[34] However, after some weeks' delay, Britain and other Powers, and eventually the League, joined in non-becognition. At the end of January, 1932, the Japanese attacked Shanghai. The American Government refused to let its consul be a member of the Board of Investigation, but let him "coöperate" with it. The Japanese withdrew in May. Some have attributed the withdrawal to outside influences, stressing United States-League coöperation and the greater firmness of the Powers against Japanese encroachment in a region in which Britain and France had large interests. It seems probable, however, that the Japanese withdrew because their over-all plan called for absorbing China piecemeal from the northeast southward and westward, which they hoped they could continue to do without exciting a national war with China or resistance from outside. Movements to boycott Japan made some progress in the United States and elsewhere while the Japanese were fighting in and around Shanghai, but people lost interest when the only Japanese aggressions were in north China.

[35] As Mr. Stimson favored sanctions, discussion of them in his narrative would have presented a dilemma: Either he must allow himself to appear as an opponent of sanctions or he must expose the rift between himself and his chief and condemn the views of the latter. Mr. Stimson admits that the American Government made errors, but he defends every step which he discusses; the errors were on points totally omitted from the narrative.

and says: "I believe it is vital that the course of such leadership shall not be hampered by the fact that collective action will be stabbed in the back by states which, like the American Government, are not members." It is a revealing comment on American policy in 1931.

In this period, leaders and public alike seemed determined to believe that the international goodwill that characterized the United States was also dominant in other countries—so determined to believe it that they were deaf to the rising tide of warnings from other countries. Ambassador Dawes recognized Japanese aggression against China; but after the League condoned the Japanese occupation of Manchuria, he convinced himself that "from the standpoint of realities, the argument seemed to be with Japan. . . . The occasional movement of Japanese troops to protect the lives and property of resident Japanese, whatever laws and treaties provided, was, however, recognized generally as inevitable and unavoidable. It was evident that no Japanese Government could stand which, under those circumstances, would not move its troops to protect Japanese residents in Manchuria from massacre." Thus he dismissed the planned conquest of an area ten times the size of Ohio and with five times its population! Thus he blinded himself to the consequence of permitting the initiation of a series of conquests.

The four years of the first World War brought home to the American people the necessity of some League to enforce peace. But when the first big but distant crisis developed, the vision had faded out and only a small minority still saw the threat to the peace of the world, still maintained the will to make the international peace machinery work. Some others hoped the machinery would work without our aid. Some international peace machinery is certain to be restored; and perhaps Americans will remember that the failure in 1931 was because of lack of will to operate the machinery, and that the lack of will was most manifest in the world's greatest nation—the United States.

# NEWS AND NOTES

## PERSONAL AND MISCELLANEOUS

*Compiled by the Managing Editor*

Dr. Hans J. Morgenthau, who has been visiting associate professor of political science at the University of Chicago, has accepted a three-year appointment as associate professor.

Under the auspices of the Walgreen Foundation, Professor Carl B. Swisher, chairman of the political science department at Johns Hopkins University, will give a series of lectures entitled "The Growth of Constitutional Power" at the University of Chicago during the spring quarter.

At Wesleyan University, Dr. Sigmund Neumann has been promoted to a full professorship.

Dr. John W. Lederle, formerly assistant professor and assistant dean at Brown University, has been appointed assistant professor of political science at the University of Michigan.

At the November election, Professor Thomas S. Barclay, of Stanford University, was chosen a presidential elector in California on the Democratic ticket.

After a year as head of the War Records Unit, Division of Research and Publication, Office of Public Information, Department of State, Professor Graham H. Stuart has returned to Stanford University.

Professor Alfred G. Buehler, of the University of Pennsylvania, is serving the Smaller War Plants Corporation as tax consultant in developing a federal program for small business, and Professor J. C. Phillips is engaged in fact-finding for the Adjustment Board in labor disputes at Cramp's Shipyard.

Professor Clifford J. C. Grant has resigned as chairman of the Tenth Regional War Labor Board (San Francisco) and is returning to his regular post at the University of California at Los Angeles.

Dr. L. Keith Caldwell, director of research and publications, Council of State Governments, is giving a course on American government at the University of Chicago in the winter quarter.

Lt. Col. Claude E. Hawley, former associate professor at the University of Florida, is now serving in the Office of the Military Secretary of the Commander-in-Chief of the Southwest Pacific Area, commanding the field units of the psychological warfare branch of this theatre of the war.

Col. Charles Fairman, on leave from Stanford University, is assigned to the European theatre as chief of the international law division of the Office of the Theatre Judge Advocate. During the past eighteen months he has been in the Mediterranean theatre as legal adviser to G5 at the Allied Force Headquarters.

In a "know-your-state-government" series of broadcasts, presented over a regional network, Professors E. O. Stene and W. E. Sandelius, of the University of Kansas, are conducting weekly interviews with leading members of the Kansas state government.

After having served since July, 1942, as special assistant to the Attorney-General in Washington, Professor Karl Loewenstein has been granted another leave of absence by Amherst College to join the Emergency Advisory Committee for Political Defense in Montevideo, Uruguay. He expects to return to the United States during the spring.

Professor Harlow J. Heneman, on leave from the University of Michigan, and serving in the Military Intelligence Service, Office of the Chief of Staff, War Department, from June, 1942, to December, 1944, is now in the U. S. Bureau of the Budget, where he has assumed duties in the division of administrative management.

Professor Percy E. Corbett, formerly dean of the faculty of law and chairman of the division of social sciences at McGill University, and research associate in the Yale Institute of International Studies since January 1, 1943, has been appointed professor of government and jurisprudence and chairman of the department of government and international relations at Yale University.

An Industrial Relations Center has been established at the University of Chicago for the purpose of carrying on research in this field. The Center coördinates the resources of the social science departments, and Professors Leonard D. White and Floyd W. Reeves represent the department of political science.

The Walgreen Foundation presented a series of lectures during the winter quarter at the University of Chicago on "The Civil Service in Wartime." The lecturers included Leonard D. White, Herbert Emmerich, M. H. Trytten, John McDiarmid, Leonard Carmichael, Arthur S. Flemming, Frank Bane, Edgar B. Young, Egon Ranshofen-Wertheimer, and Louis Brownlow.

Earlier in the winter, Professor Jerome G. Kerwin, of the University of Chicago, participated with Professors Louis Wirth and Maynard Krueger in a series of forum discussions in the Far West, including

Phoenix, Arizona, the Los Angeles area, and the San Francisco area. The discussions, which were sponsored by the Adult Education Council of Chicago, were devoted to public policies in the postwar world.

Dr. B. W. West, on leave from the University of Pennsylvania, is working with Wage Administration in Philadelphia, and Mr. Raymond W. Foery is serving in the University's office for coördination with the Veterans Administration.

Professor Edward W. Carter has returned to the University of Pennsylvania to resume teaching and to participate in the War Contract Termination School.

Professor C. C. Rohlfing, of the University of Pennsylvania, is a member of the regional committee on administrative personnel of the Third U. S. Civil Service Region, and serves on Committee F on Training.

Professor John W. Masland, on leave from Stanford University, has been assigned to the Civil Affairs Training School for the Far Eastern Area.

Professor Garland Downum, formerly of Mercer University, has accepted an appointment at the State Teachers College, Flagstaff, Arizona.

Professor G. Homer Durham, on leave from Utah State Agricultural College, is at present serving as visiting lecturer in political science at the University of Utah.

Professor Carl M. Frasure, of West Virginia University, has been named expert examiner on the Committee on Administrative Personnel for the Fourth Region of the U. S. Civil Service Commission.

Professor Carl J. Friedrich, of Harvard University, recently delivered a series of lectures before the student body of Grinnell College.

Professor John A. Perkins has resigned his post at the Uuiversity of Rochester to join the staff of the International City Managers Association as assistant director of the Institute for Municipal Training.

In addition to his naval duties in the Honolulu area, Lieut. Hollis W. Barber, USNR (on military leave from Tulane University) has been teaching a course in American government during the first semester at the University of Hawaii.

During the past autumn, Dr. Robert M. W. Kempner, of Lansdowne, Pa., testified as expert government witness on German administration and law in the mass sedition trial at Washington, D. C., giving previously undisclosed information on the illegal techniques which brought the Nazis to power.

A series of conferences, known as the "Super-Seminar," has been organized at the University of Chicago on the topic of federal-state relations. Members of the seminar include members of the staff of 1313 and of the University of Chicago.

Dr. Norman N. Gill, of the Municipal Reference Library, Milwaukee, is giving a year course on municipal government for the extension division of the University of Wisconsin, with city departments and bureaus furnishing guest lecturers and with in-service training for elective officials a prominent feature.

Dr. John B. McCaughy who taught last year at Duluth State Teachers College, has entered upon an associate professorship of political science at the University of South Carolina.

At the University of Michigan, the William W. Cook Lectures on American Institutions were delivered in December by Professor Carl L. Becker, of Cornell University, on the general theme, "Freedom and Responsibility in the American Way of Life."

Professor Walter R. Sharp, of the College of the City of New York, has been appointed chief of organizational planning for the United Nations Interim Commission on Food and Agriculture.

Dr. Pitman B. Potter has resigned his post at Oberlin College to return to Washington, D. C. as managing editor of the *American Journal of International Law* and secretary of the American Society of International Law. He also has been appointed Grozier professor of international law in the Graduate School of Social Science and Public Affairs at the American University, and chairman of the department of international relations and organization.

At the University of Kansas, Professor W. E. Sandelius is chairman of a special committee of the arts college charged with planning a social science requirement applicable to all students in the college. The scheme in view is aimed at assuring a knowledge of Western civilization and of American institutions, and at promoting self-reliant citizenship with the aid of comprehensive examinations and related departures from the regular course routine.

In coöperation with the state civil service department, the University of Kansas has undertaken a new internship program for seniors and graduate students in political science. A student enrolls for a six-week course and devotes full time during the period to work in the offices of the civil service department, being assigned for a short time to each unit in the department. Similar internships have been offered for some time in the

research department of the Kansas Legislative Council, and plans are under way to extend the program to other state departments, with Professor E. O. Stene and Dr. F. H. Guild, director of research for the Legislative Council, in charge.

Pre-doctoral field training fellows appointed by the Social Science Research Council for 1944–45 included Arthur E. Naftalin, University of Minnesota, for work on the origin and growth of political parties in Minnesota and the Northwest, Miss Julia J. Henderson, University of Minnesota, for work on the functioning of national employment exchange functions, and Mr. George H. F. Wong, Harvard University, for work on the set-up of government agencies, particularly in the U. S. Bureau of the Budget.

In the monthly *Social Security Bulletin*, the Social Security Board is undertaking to present a full record of the legislative history of proposals enacted by Congress and affecting social security. In the July, 1944, issue, for example, the G. I. Bill of Rights will be found treated, and in the October issue, the War Mobilization and Reconversion Act.

Stanford University has established a Symposium on American Studies, under the auspices of the School of Humanities. Semi-monthly papers will be presented by a variety of specialists on the University faculty, each paper being designed to illuminate some aspect of the history or current problems of the United States. On the all-university committee, headed by an historian, Professor Arthur E. Bestor, Jr., is Professor Edwin A. Cottrell of the department of political science, as well as members of the law, geography, English, and chemistry departments and the university librarian.

Dr. Herman Finer, who at present is visiting lecturer in political science at Harvard University, has prepared an introductory study to a new printing of his *Theory and Practice of Modern Government*. It surveys the governmental structure and problems of the ten years before the war, and looks into the future. The British paper quota being so small as to cause a postponement of the new printing, it has been decided to publish the new chapters separately as a sequel to the two-volume work, and they are now in press. Dr. Finer intends to remain in this country for some years so as to combine teaching with the writing of a treatise on American government on the scale of Bryce.

A unique experiment in the field of regional planning reached an important stage in early December when a "Boston Contest" designed to focus the best planning talent of Greater Boston upon the need for postwar planning on a metropolitan scale, and enlisting ninety contestants,

culminated in the award of a five-thousand-dollar prize to a Harvard "team" headed by Professor Carl J. Friedrich. All of the plans submitted stressed the need for a metropolitan authority for regional action, with all of the sixty-six towns and cities in the Greater Boston area linked up under a single organization taking over the duties of present district organizations.

The School of Government of George Washington University has announced an expanded program of courses for students training for government service. In addition to undergraduate work in foreign affairs and public administration, graduate courses in the fields of foreign affairs, government and economic policy, public administration, public personnel administration, and vocational counseling are offered for the master of arts degree. Mr. Glendon J. Mowitt, deputy administrator for administrative management, is offering courses in Progress Reporting and Administrative Management and Budgetary Controls of Administrative Management for the current year. Dr. William C. Johnstone, professor of political science, who was appointed dean of the School of Government in September, 1944, is offering a new course in International Political Organization.

The Southern Regional Training Program in Public Administration has been progressing according to plan. In December, the ten fellows completed their sojourn at the University of Alabama; after Christmas, they moved to the University of Tennessee; and in the spring they will go to the University of Georgia. During the period at Alabama, they heard informal classroom lectures by Paul L. Styles, vice-chairman of the Regional War Labor Board at Atlanta; I. J. Browder, Alabama state personnel director; H. G. Dowling, Alabama state commissioner of revenue; W. Emmett Brooks, of the Alabama department of labor; and H. Eliot Kaplan, executive director of the National Civil Service Reform League. There was arranged for them also a formal lecture series bringing to the campus Professor Leonard D. White, of the University of Chicago; Mr. Gordon Clapp, general manager of the Tennessee Valley Authority; Lt. Col. John D. Millett, of the Army Service Forces; Professor Arthur W. Macmahon, of Columbia University; Mr. Donald Stone, director of the division of administrative management of the U. S. Bureau of the Budget; and Professor Marshall E. Dimock, of Northwestern University.

A new program of in-service training in governmental planning has been inaugurated by the Institute of Local and State Government of the University of Pennsylvania with an enrollment including more than a score of officials and other employees of various governmental units. In addition, forty public officials are registered in other phases of the in-service

training program which the Institute launched last year for the local and state officials in the Philadelphia metropolitan area. The latter group includes men and women from borough, township, city, county, and state governmental agencies in Chester, Dauphin, Delaware, Montgomery, Northampton, and Philadelphia counties. All have been awarded part-time scholarships by the Institute, which was established at the University in 1937 by the Samuel S. Fels Fund and has been maintained by the Fund since that time. The new thirty-week planning program consists of an introductory seminar on City and Regional Planning Objectives and a companion seminar on City and Regional Planning Practice. Robert B. Mitchell, executive director of the Philadelphia City Planning Commission, is in charge of these weekly seminars and the dinner discussions that follow. The four other weekly seminars offered in the Institute's part-time scholarship training program are: (1) Administrative Objectives in Local and State Government; (2) Administrative Practice in Local and State Government; (3) Administrative Problems in Local and State Government; and (4) Public Administration Theory and Administrative Law.

**Fortieth Annual Meeting of the American Political Science Association.** The fortieth annual meeting of the American Political Science Association was scheduled to be held in Washington, D. C., on February 1–4, 1945, with the Hotel Statler as headquarters. It was to have been a joint meeting with the American Economic Association and the American Society for Public Administration; and although scheduled in 1945, it was viewed as the 1944 annual meeting. In an attempt to comply loyally with the efforts of the Office of Defense Transportation to reduce travelling to a minimum, the meeting was planned for February instead of the Christmas recess, and the intended participants were largely limited to persons residing in the District of Columbia and others whose governmental duties would bring them to Washington at the time of the meeting. On January 5, 1945, the Director of War Mobilization and Reconversion requested the cancellation of all large conventions and group meetings; and after a careful canvass of the situation, it was decided to cancel the joint meeting. In view of the timeliness of the subjects selected for discussion, it is deemed appropriate to publish the outline in full, as follows:

**Thursday, February 1**

PUBLIC MEETING

8:00 P.M. SOCIAL SCIENTISTS AND THE POSTWAR WORLD

*Chairman:* Joseph S. Davis, President, American Economic Association.
Charles E. Merriam, University of Chicago—"Unfinished Business."
Joseph H. Willits, Rockefeller Foundation—"New Business."

**Friday, February 2**

9:30 A.M. SOCIAL SCIENTISTS IN THE PUBLIC SERVICE

*Chairman:* Kenneth O. Warner, Foreign Economic Administration

*Discussion:* Morris A. Copeland, War Production Board; John J. Corson, Social Security Board; Lauchlin Currie, Foreign Economic Administration; Frederick M. Davenport, Council for Personnel Administration; Philip M. Hauser, Bureau of the Census; Lloyd M. Short, University of Minnesota.

9:30 A.M. LATIN AMERICA'S PLACE IN THE POSTWAR WORLD

*Chairman:* Russell H. Fitzgibbon, Office of the Coördinator of Inter-American Affairs.

Arthur P. Whitaker, University of Pennsylvania—"Latin America's Part and Problems in International Organization."

Henry Reining, Jr., National Institute of Public Affairs.—"The Brazilian Program of Administrative Reform."

Frank A. Waring, Bureau of Foreign and Domestic Commerce—"Why Should the United States Encourage Economic Development in the Other American Republics?"

*Discussion:* Louis Brownlow, Public Administration Clearing House; John M. Cabot, Department of State; Dana G. Munro, Princeton University; Sherman S. Sheppard, Bureau of the Budget; Frank Tannenbaum, Columbia University; George Wythe, Bureau of Foreign and Domestic Commerce.

9:30 A.M. JAPANESE GOVERNMENT IN THE POSTWAR PERIOD

*Chairman:* Harold M. Vinacke, Office of War Information.

*Discussion:* Kenneth Colegrove, Northwestern University; Eugene Dooman, Department of State; Charles Burton Fahs, Office of Strategic Services; William C. Johnstone, George Washington University; Lieutenant Commander W. B. McGovern, Joint Chiefs of Staff; Sir George Sansom, British Embassy; Lieutenant Charles N. Spinks, Navy Department.

9:30 A.M. CONSUMPTION ECONOMICS

*Chairman:* Edwin G. Nourse, Brookings Institution.

Kenneth E. Boulding, Iowa State College—"The Place of Consumption Concepts in Economic Theory."

James P. Cavin, Bureau of Agricultural Economics—"Some Aspects of Wartime Consumption Experience."

James J. O'Leary, Wesleyan University—"Consumption as a Factor in Postwar Employment."

*Discussion:* R. G. D. Allen, Combined Production and Resources Board; S. M. Livingston, Department of Commerce; J. J. Spengler, Duke University.

9:30 A.M. FUNCTIONAL REPRESENTATION IN POLICY FORMATION AND ADMINISTRATION

*Chairman:* Arthur W. Macmahon, Department of State.

*Discussion:* George W. Brooks, War Production Board; Samuel Jacobs, Office of Price Administration; V. O. Key, Jr., Bureau of the Budget; Avery Leiserson, Bureau of the Budget; Harvey C. Mansfield, Office of Price Administration; Carl Henry Monsees, War Production Board; William Newman, Petroleum Administration for War.

12:30 P.M. LUNCHEON MEETING

*Chairman:* Luther H. Gulick, President, American Society for Public Administration.

Donald M. Nelson, Personal Representative of the President—"The Stake of the United States in Foreign Industrial Development."

2:30 P.M. EXPANDING CIVILIAN PRODUCTION AND EMPLOYMENT AFTER THE WAR

*Chairman:* E. A. Goldenweiser, Board of Governors, Federal Reserve System.

Arthur R. Upgren, Federal Reserve Bank of Minneapolis—"Objectives and Guides to Policy."

Paul Hoffman, Committee for Economic Development, and Studebaker Corporation—"Business Planning for Postwar Prosperity."

Lincoln Gordon, War Production Board—"Transitional Government Control for Industrial Reconversion and Expansion."

*Discussion:* Milton Gilbert, Bureau of Foreign and Domestic Commerce; John H. G. Pierson, Bureau of Labor Statistics; Donald H. Wallace, Office of Price Administration.

2:30 P.M. NATURAL RESOURCES AND INTERNATIONAL POLICY

*Chairman:* Alexander Loveday, League of Nations.

Harold F. Williamson, Yale University—"Prophecies of Scarcity and Exhaustion."

E. I. Kotok, U. S. Forest Service—"International Policy on Renewable Natural Resources."

Egon Glesinger, Comité Internationale du Bois—"Forest Products in a World Economy."

*Discussion:* S. v. Ciriacy-Wantrup, University of California; John Ise, University of Kansas; Eugene Staley, Foreign Service Educational Foundation.

2:30 P.M. THE REORGANIZATION OF CONGRESS

*Chairman:* Clarence A. Berdahl, University of Illinois.

*Discussion:* Phillips Bradley, Queens College; Everett M. Dirksen, Member, U. S. House of Representatives; George B. Galloway, Commission on the Organization of Congress; Ernest S. Griffith, Library of Congress; Robert K. Lamb, United Steel Workers of America; Francis Maloney, Member, U. S. Senate; A. S. Mike Monroney, Member, U. S. House of Representatives; Lucius Wilmerding, Jr., United Nations Relief and Rehabilitation Administration.

2:30 P.M. GERMAN GOVERNMENT IN THE POSTWAR PERIOD

*Chairman:* Rogers H. Wells, Bryn Mawr College.

Maxine Sweezy, American Association of University Women—"The Problem of the German Economy."

John Brown Mason, Foreign Economic Administration—"Religion After Hitler."

Fritz Morstein Marx, Bureau of the Budget—"Germany's Rôle as Part of the Soviet Order."

James K. Pollock, University of Michigan—"The Rôle of the Public in a New Germany."

2:30 P.M. INTERDEPARTMENTAL COURSES IN THE SOCIAL SCIENCES

*Chairman:* A. B. Wolfe, Ohio State University.

Edward A. Shils, University of Chicago—"The Chicago Sequence in Social Science."

Louis M. Hacker, Columbia University—"The Contemporary Civilization Course at Columbia."

*Discussion:* Morris A. Copeland, War Production Board; Benjamin F. Wright, Harvard University.

2:30 P.M. IMPENDING ADJUSTMENT PROBLEMS IN CIVILIAN AGENCY OPERATIONS

*Chairman:* Donald C. Stone, Bureau of the Budget.

*Discussion:* Arthur J. Altmeyer, Social Security Board; Thomas C. Blaisdell, Jr., Office of War Mobilization and Reconversion; W. A. Jump, Department of Agriculture; John Ross, Department of State.

5:00 P.M. BUSINESS MEETING, AMERICAN POLITICAL SCIENCE ASSOCIATION

8:00 P.M. INTERNATIONAL ORGANIZATION FOR THE MAINTENANCE OF PEACE

*Chairman:* Grayson L. Kirk, Columbia University.

Frederick S. Dunn, Yale University—"Security Organization: The Political Problem."

Major George Fielding Eliot, *New York Herald-Tribune*—"Security Organization: The Military Problem."

Philip C. Jessup, Columbia University—"Security Organization: The Problem of American Participation."

*Discussion:* Harold H. Sprout, Princeton University.

8:00 P.M. PRICE CONTROL AND RATIONING IN THE WAR-PEACE TRANSITION

*Chairman:* Donald H. Wallace, Office of Price Administration.

J. M. Clark, Columbia University—"Problems, Objectives, and General Principles."

Merle Fainsod, Harvard University—"Policy Implications of Political and Administrative Aspects."

Clair Wilcox, Swarthmore College—"Economic Policy."

*Discussion:* Harvey Mansfield, Office of Price Administration; Elmer Staats, Bureau of the Budget.

8:00 P.M. ORGANIZED LABOR AND THE PUBLIC INTEREST

*Chairman:* Wayne L. Morse, Member, U. S. Senate.

Sumner H. Slichter, Harvard University—"The Responsibility of Organized Labor for Employment."

Robert M. C. Littler, San Francisco, California—"The Public Interest in the Terms of Collective Bargains."

*Discussion:* Fritz Machlup, Office of Alien Property Custodian; James J. Robbins, American University; George W. Taylor, National Labor Relations Board.

8:00 P.M. AVIATION IN THE POSTWAR WORLD

*Chairman:* Claude E. Puffer, University of Buffalo.

Lewis C. Sorrell, Air Transport Association of America—"The Economic Outlook for Air Transportation."

Kent T. Healy, Yale University—"The Elements of Workable Competition in Air Transportation."

Quincy Wright, University of Chicago—"Problems of International Organization of Aviation."
*Discussion:* Paul T. David, Bureau of the Budget; Escott Reid, Canadian Embassy.

8:00 P.M. THE 1944 ELECTION

*Chairman:* Harold D. Lasswell, Library of Congress.
Louis H. Bean, Bureau of the Budget—"The Votes."
Harold F. Gosnell, Bureau of the Budget—"The Polls."
Charles S. Hyneman, Federal Communications Commission—"The Southerners."
Ralph D. Casey, University of Minnesota—"The Campaign Tactics."
*Discussion:* J. William Fulbright, Member, U. S. Senate.

**Saturday, February 3**

9:30 A.M. THE HUMAN PROBLEM IN THE WAR-PEACE TRANSITION

*Chairman:* Geoffrey May, Bureau of the Budget.
Brigadier General Frank T. Hines, Administrator of Veterans Affairs and of the Retraining and Reëmployment Administration—"The Program for the Veteran."
William Haber, Office of War Mobilization and Reconversion—"The Program for the Industrial Worker."
Arthur S. Flemming, United States Civil Service Commission—"The Program for the Government Employee."
Robert K. Lamb, United Steel Workers of America—"What Labor Needs."
Mrs. Eugene Meyer, *The Washington Post*—"What the Community Needs."

9:30 A.M. INTERNATIONAL MONETARY AND CREDIT ARRANGEMENTS

*Chairman:* Robert B. Warren, Institute for Advanced Study.
Imrie de Vegh, New York City—"Capital Requirements and the Proposed International Financial Agencies."
William A. Fellner, University of California—"The Commercial Policy Implications of the Fund and Bank."
Walter Gardner, Board of Governors of the Federal Reserve System—"The Future International Position of the United States as Affected by the Fund and Bank."
*Discussion:* Alice Bourneuf, Board of Governors of the Federal Reserve System; Ragnar Nurkse, League of Nations.

9:30 A.M. AGRICULTURAL PRICE SUPPORTS AND THEIR CONSEQUENCES

*Chairman:* Edward S. Mason, Office of Strategic Services.
E. J. Working, University of Illinois—"Highlights of the A. E. A. Committee Report."
*Discussion:* John D. Black, Harvard University; Karl Brandt, Food Research Institute; H. B. Arthur, Swift and Company; O. V. Wells, Bureau of Agricultural Economics.

9:30 A.M. INSTITUTIONAL RECONSTRUCTION IN FRANCE

*Chairman:* Walter R. Sharp, United Nations Interim Commission on Food and Agriculture.
*Discussion:* Raoul Aglion, French Embassy; Shepard B. Clough, Social Science Research Council; Henry W. Ehrmann, Washington, D. C.; Leo Gershoy, Office of War Information; Robert K. Gooch, Department of State; Henry B. Hill, Office of Strategic Services; Louis Marlio, Brookings Institution; Louis Rosenstock-Franck, United Nations Relief and Rehabilitation Administration; Christian Valensi, French Embassy.

9:30 A.M. POLITICAL SCIENCE RESEARCH IN THE POSTWAR PERIOD

*Chairman:* Arthur N. Holcombe, War Production Board.

Ernest S. Griffith, Library of Congress—"The Program and Problems of the Research Committee of the American Political Science Association."

William Anderson, University of Minnesota—"The Research Programs of the Committees on Government and Public Administration of the Social Science Research Council."

John M. Gaus, University of Wisconsin—"Research in Public Administration since 1930."

Pendleton Herring, Harvard University—"Political Science in the Next Decade."

9:30 A.M. URBAN REDEVELOPMENT

*Chairman:* Herbert Emmerich, Public Administration Clearing House.

*Discussion:* Charles Ascher, National Housing Agency; Walter Blucher, American Society of Planning Officials; Harold Buttenheim, The American City; Miles L. Colean, Consultant in Residential Construction and Finance; Major General U. S. Grant III, National Capital Park and Planning Commission; Alvin H. Hansen, Board of Governors of the Federal Reserve System; Reginald R. Isaacs, National Housing Agency; Robert Mitchell, Philadelphia City Planning Commission; Paul Oppermann, Federal Housing Administration; Warren Jay Vinton, Federal Public Housing Authority; Kenneth Vinsel, Louisville Area Development Association; Coleman Woodbury, National Housing Agency.

12:30 P.M. LUNCHEON MEETING

*Chairman:* Leonard D. White, President, American Political Science Association.

2:30 P.M. THE POLITICAL ECONOMY OF INTERNATIONAL CARTELS

*Chairman:* Myron W. Watkins, Twentieth Century Fund.

W. Y. Elliott, War Production Board—"Possibilities in the Organization of International Raw-Material Cartels"

Theodore J. Kreps, Department of Justice—"The Economics of International Commodity Haute Politique."

Robert A. Brady, University of California—"The Rôle of Cartels in the Present Cultural Crisis."

*Discussion:* Ervin Hexner, University of North Carolina; Edward S. Mason, Office of Strategic Services; Howard J. McMurray, Milwaukee, Wisconsin; Walter S. Tower, American Iron and Steel Institute; Robert M. Weidenhammer, Department of Commerce.

2:30 P.M. CITIZEN ATTITUDES TOWARD POLITICIANS AND ADMINISTRATIVE OFFICIALS

(*Joint Session with National Council for the Social Studies*)

*Chairman:* Wilbur F. Murra, Civic Education Service.

*Discussion:* Ethan P. Allen, Bureau of the Budget; Mrs. Mary L. Ambrosi, Powell Junior High School, Washington, D. C.; John B. Blandford, Jr., National Housing Agency; Henry H. Field, University of Denver; Walter H. C. Laves, Bureau of the Budget; James Mendenhall, Office of Price Administration; Jerry Voorhis, Member, U. S. House of Representatives.

2:30 P.M. FISCAL PROBLEMS OF TRANSITION AND PEACE

*Chairman:* Lawrence H. Seltzer, Wayne University.
W. L. Crum, Harvard University—"Postwar Federal Expenditures and Their Implications for Tax Policy."
Albert G. Hart, Committee for Economic Development—"Wartime Financial Accumulations in Postwar Policy."
Richard V. Gilbert, Office of Price Administration—"Outline of a Proper Postwar Fiscal Policy."
*Discussion:* Roy Blough, Treasury Department; Gerhard Colm, Bureau of the Budget; Julius Hirsch, New York City; Arthur R. Upgren, Federal Reserve Bank of Minneapolis.

2:30 P.M. PROBLEMS OF REGIONALISM IN THE UNITED STATES

*Chairman:* Robert D. Calkins, Columbia University.
John V. Van Sickle, Vanderbilt University—"Regionalism: A Tool for Economic Analysis."
Leon Wolcott, Foreign Economic Administration—"Regionalism—Political Implement."
Walter M. Kollmorgen, Department of Agriculture—"Trends in Conflict with Regionalism."
*Discussion:* Miriam E. Oatman, Foreign Economic Administration; John F. Miller, National Planning Association; J. J. Spengler, Duke University.

2:30 P.M. FOOD AND AGRICULTURE: OUTLOOK AND POLICY

*Chairman:* John D. Black, Harvard University.
F. F. Elliott, Bureau of Agricultural Economics—"In the War-Peace Transition."
J. B. Canning, War Food Administration—"In the Longer Run."
*Discussion:* Frank Munk, United Nations Relief and Rehabilitation Administration; Harold B. Rowe, Foreign Economic Administration; P. Lamartine Yates, British Embassy.

8:00 P.M. PRESIDENTIAL ADDRESSES

*Chairman:* Robert E. Cushman, Cornell University.
Leonard D. White, President, American Political Science Association—"Can Congress Control the Public Service?"
Luther H. Gulick, President, American Society for Public Administration—"Domestic Administration and World Affairs."
Joseph S. Davis, President, American Economic Association—"Standards and Content of Living."

**Sunday, February 4**

10:00 A.M. THE SOVIET UNION IN THE POSTWAR WORLD

*Chairman:* Mortimer Graves, American Council of Learned Societies.
Ernest C. Ropes, Department of Commerce—"Soviet Commercial Policy."
Oscar Lange, University of Chicago—"Soviet Foreign Policy in Europe."
John N. Hazard, Foreign Economic Administration—"Soviet Internal Policy."
*Discussion:* W. Chapin Huntington, American Council of Learned Societies; Lieutenant Colonel William McChesney Martin, President's Soviet Protocol Committee; Brownson Price, Office of War Information; Charles Prince, Federal Communications Commission.

10:00 A.M. THE USE OF SAMPLING SURVEYS IN DEVELOPING AND ADMINISTERING GOVERNMENT PROGRAMS

*Chairman:* A. C. C. Hill, Jr., War Production Board.

*Discussion:* Lieutenant Colonel Charles Dolard, Army Service Forces; Theodore R. Gamble, Treasury Department; Philip Hauser, Bureau of the Census; John B. Hutson, Office of War Mobilization and Reconversion; Charles E. Noyes, War Production Board; Saul B. Sells, Office of Price Administration.

10:00 A.M. THE SUPREME COURT DURING AND AFTER THE WAR

*Chairman:* Robert K. Carr, Dartmouth College.

C. Herman Pritchett, University of Chicago—"Judicial Attitudes Toward Administrative Regulation in the Present Supreme Court.

Arthur A. Ballantine, New York—"The Supreme Court—Principles and Personalities."

Carl B. Swisher, Johns Hopkins University—"Conceptions of Welfare in Current Supreme Court Opinions"

2:00 P.M. THE FUNCTION OF GOVERNMENT IN THE POSTWAR AMERICAN ECONOMY

*Chairman:* James Washington Bell, Northwestern University.

"Highlights of the A. E. A. Committee Report."

*Discussion:* Corwin D. Edwards, Northwestern University; Simeon D. Leland, University of Chicago; and others.

2:00 P.M. THE RÔLE OF THE STATES IN THE POSTWAR PERIOD

*Chairman:* Patterson H. French, Office of Price Administration.

*Discussion:* Frank Bane, Council of State Governments; Lieutenant Commander Frank W. Herring, Navy Department; George A. Shipman, Bureau of the Budget; Major John O. Walker, Council on Intergovernmental Relations.

2:00 P.M. POSTWAR CONTROL OF INTERNATIONAL COMMUNICATION OF INFORMATION AND IDEAS

*Chairman:* Robert D. Leigh, Commission on the Freedom of the Press.

Francis C. de Wolf, Department of State—"The Post-War Structure and Control of Point to Point Telecommunications."

Llewellyn White, Commission on the Freedom of the Press—"The Post-War Short Wave Radio."

Nelson Poynter, St. Petersburg, Florida, *Times*.—"Post-War Structure and Control of Foreign Correspondents and Press Associations."

Haldore Hanson, Department of State—"Post-War Export and Import of Books, Magazines, and Motion Pictures."

2:00 P.M. ORGANIZATION AND COÖRDINATION OF INTERNATIONAL SOCIAL AND ECONOMIC AGENCIES

*Chairman:* Benjamin Gerig, Department of State.

*Discussion:* J. William Fulbright, Member, U. S. Senate; Leland Goodrich, Brown University; Alexander Loveday, League of Nations; Leroy Stinebower, Department of State.

The Executive Council of the American Political Science Association met in morning and afternoon sessions on Thursday, February 1, in the Hotel Statler in Washington, D. C. At the luncheon interlude, Waldo G.

Leland, director of the American Council of Learned Societies, gave a brief survey of the participation of the Association in the ACLS, and Charles G. Fenwick, chairman of the Inter-American Juridical Committee, recently returned from Rio de Janeiro, presented comments upon Latin American attitude toward the Dumbarton Oaks Charter.

The Secretary-Treasurer reported that the membership and subscriptions of the Association for 1944 totaled 3216 as compared with 3025 in 1943. The new members of the Association were 553 as compared with 436 in 1943, while the cancellations were 362 as compared with 514 in the previous year. The net gain in membership was 191 as compared with a net loss of 78 in 1943, and a loss of 206 in 1942. Of the total membership, 3216, there were 2990 regular and associate memberships, 51 sustaining memberships (paying ten dollars per year), 7 contributing memberships (paying twenty-five dollars per year), and 41 life memberships. The increase of membership was due partly to increased interest in the study of government and international relations, partly to the extensive membership campaign conducted by the officers and members of the Association, and partly to professional appreciation of the *Directory of the American Political Science Association* now in press.

In the first year of World War II, the Association recognized that the impact of the war and the ensuing postwar problems raised an increasing need for the study and discussion of domestic and international governmental problems. If the Association were to continue its activities in teaching and training young men and women for government service and in promoting the public discussion of government and politics, it must maintain at least its level of membership. Almost the entire revenue of the Association is received from membership dues and subscriptions to the REVIEW. Barely two hundred twenty-five dollars are received each year as interest from the Trust Fund. Consequently, the Association resolved to continue its campaign for new members.

The financial report of the Secretary-Treasurer showed that the expenditures for 1944 were $17,998.45 as compared with $16,710.83 in 1943, while the income was $22,658.26 as compared with $16,520.92 in 1943. The income included $4,743.77 in prepaid membership dues. The bank balance on December 15, 1944, was $7,974.74 and cash in petty cash account was $3.00, while there were no accounts payable. The total cost of the publication of the REVIEW was $8,937.99 as compared with $9,243.05 in 1943. This decrease did not reflect a decrease in the number of pages published in the volume for 1944, but rather the higher expenditure for 1943 included the cost of paper stock purchased in that year. The expenditure of $9,060.46 in the office of the Secretary-Treasurer included $2,200.00 received on behalf of the Committee on Congress from Dr. Benjamin B. Wallace and expended by this Committee.

The budget of the Association for 1945, as approved by the Executive Council, calls for an expenditure of $17,925.00 and an estimated income of $18,100.00. The proposed expenditures include $9,300.000 for editing and publishing the REVIEW and $8,800.00 for the expenses of the office of Secretary-Treasurer. The estimates of revenue include $15,400.00 to be received from membership dues; $1,175.00 from sale of publications; and $1,525.00 from other sources.

The assets of the Association show a bank balance of $7,794.74 and $3.00 in petty cash. The Trust Funds include $8,100.00 invested in U. S. Treasury Bonds and $987.12 in the Trust Fund Account, making a total of $9,087.12. The paper stock of the Association has been exhausted; the requirements for the REVIEW are purchased from issue to issue from the George Banta Publishing Company, of Menasha, Wisconsin. Office equipment is valued at $191.95, and the estimated capitalization of the REVIEW is $8,000.00, making a total of $8,191.95. Accounts receivable are $15.24 and there are no accounts payable. The securities held in the First National Bank of Evanston, Illinois, and comprising the Trust Fund of the Association include: 3% U. S. Treasury Bonds of 1951–1955 with par value of $1,500; 2⅞% Treasury Bonds of 1955–1960 with par value of $800; 2¾% U. S. Treasury Bonds of 1958–1963 with par value of $4,800; 2½% U. S. Treasury Bonds of 1937–1972 with par value of $500; and 2½% U. S. Treasury Bonds of 1964–1969 with par value of $500, making a total of $8,100.

The audit of the Association's books was made on January 4, 1945, by Alexander Grant & Company (1 North La Salle Street, Chicago, Illinois), certified public accountants. The committee on Audit, composed of John D. Larkin and Jerome G. Kerwin reported as follows: "We have examined the accounts of the Secretary-Treasurer of the American Political Science Association and have verified the audit report prepared by Alexander Grant and Company, which is attached. We have also found the statement of the Secretary-Treasurer to be correct. The financial conditions of the Association during the past year, ending December 15th, 1944, have improved over those of the preceding year. This has resulted from four contributing factors: (1) placing the membership on a calendar-year basis as suggested by a previous Auditing Committee, thus advancing the payment of some annual dues; (2) a drop in the number of cancellations; (3) a marked increase in membership; and, finally, (4) there have been a larger number of sustaining and contributing memberships. The decrease in cancellations may in part be due to the *Directory*, which has made a personal appeal to individual members to retain their membership in the Association. As to the increase in new members, the Secretary-Treasurer is to be commended for his diligence in maintaining a spirited campaign to this end. Total receipts during the year have amounted to

$25,797.63. Disbursements have amounted to only $17,819.89, thus leaving a balance of $7,977.74. The Committee recommends that the Secretary-Treasurer be authorized to invest such of this amount as may not be needed for current expenses. The existing Trust Fund of the Association, amounting to $8,100.00, has remained at the same figure as that reported by the Auditing Committee two years ago."

The report of the Committee on Audit was accepted and its recommendation approved. The report of the Secretary-Treasurer was approved and the budget adopted.

The Secretary-Treasurer made appropriate remarks regarding members of the Association whose death had occurred during the year. In accord with recent practice, memorials in honor of deceased members are published in the REVIEW shortly after their death rather than held for presentation at the annual meeting.

The report of Frederic A. Ogg, Managing Editor of the REVIEW, indicated that Volume XXXVIII (1944) contained 1268 pages as compared with 1160 in 1943. The number of pages devoted to leading articles was 210, and the departments were represented by the following number of pages: (1) American Government and Politics, 274; (2) Constitutional Law, 46; (3) Public Administration, 10; (4) Rural Local Government, 25; (5) Municipal Affairs, 0; (6) Foreign Government and politics, 33; (7) International Affairs, 86; (8) Instruction and Research, 59; (9) News and Notes, 69; (10) Book Reviews and Notices, 259; and (11) Recent Publications of Political Interest, 167. Special features included 14 pages devoted to the list of Doctoral Dissertations in Preparation and 16 pages to the Index. Three isues during the year included grouped articles, or symposia. Two are in prospect for 1945, one in the area of European governments and the other in that of Latin American affairs. The printers have coöperated faithfully in the effort to have numbers of the REVIEW appear before the close of the scheduled month, and except in the case of the recent December issue, there have been no serious delays. Printing conditions are not improving, and all that can be promised for 1945 is honest effort. The Managing Editor urged members of the Association to submit suggestions and criticisms.

The Executive Council reëlected Messrs. Kenneth C. Cole, Clyde Eagleton, Pendleton Herring, Walter H. C. Laves, and Donald C. Stone for a one-year term on the Board of Editors of the REVIEW; and elected Messrs. Robert E. Cushman (Cornell University), Fritz Morstein Marx (Queens College), Lennox A. Mills (University of Minnesota), Carl B. Swisher (Johns Hopkins University), and Miss Louise Overacker (Wellesley College) for a term of two years.

President Leonard D. White announced the appointment of Charles E. Hyneman (Federal Communications Commission) as representative of the

Association on the Social Science Research Council for the term of 1945–47; and of Joseph P. Chamberlain (Columbia University) as delegate of the Association to the American Council of Learned Societies for the term of 1945–48. The Secretary-Treasurer reported that the twenty-fifth meeting of the ACLS in Boston, Massachusetts, on January 25–26, 1945, considered the following subjects: publication of a history of science in the United States, project of a multi-disciplinary study of American history, assistance to individual scholars by grants-in-aid of research and by assistance to publication, the protection of cultural treasures in war areas, the Intensive Language Program, area studies by the Ethnographic Board, plans for histories of the impact of war on American intellectual life, and plans for international intellectual coöperation. The Executive Council adopted a resolution requesting the American Council of Learned Societies to seek funds for grants-in-aid of research and assistance to publication of scholarly manuscripts.

The Executive Council ratified the following amendments to the Constitution of the ACLS, approved by the Council in Boston in January 25, 1945:

"Article 6. *Voted*, To amend Article 8 of the Constitution by affixing the letter (a) to the present paragraph, and by adding a second paragraph, lettered (b), as follows: (b) The Council may, by by-law, create an Executive Committee, and delegate to it such powers and authority as the Council may see fit.

"Article 10. *Voted*, To amend Article 10 of the Constitution by striking out the entire article and by substituting therefor the following: 10. The Council shall maintain such representation in the Union Académique Internationale as may be prescribed by the statutes of the latter, shall cause the annual dues of the United States of America in the Union to be paid, and shall in general be the medium of communication between the Union and the Constituent Societies of the Council."

In the absence of representatives of the Association on the Social Science Research Council, William Anderson informally indicated that the SSRC is now engaged in a search for a new Executive Director to succeed Dr. Robert T. Crane, a member of the Association, who has served the Council in that capacity for a number of years and with distinguished success. While this search goes on, the regular activities also go forward, but no major new undertakings are being started. Two committees of the Council are of special interest to the APSA. These are the Committee on Government and the Committee on Public Administration. The former was appointed in 1941, and its members include Robert E. Cushman, Simeon E. Leland, Charles McKinley, Thorsten Sellin, and William Anderson (chairman). J. R. Hayden was appointed to the Committee, but was unable to serve on account of his participation in the war effort

in the Pacific. It was the function of the Committee to explore the research needs and possibilities in the field of political science, with emphasis on the areas that need most attention, and to report its findings to the Council. Its report was finished in 1944 and has been mimeographed. Under the heading of "Research Areas" the report emphasizes (1) civil liberties; (2) freedom of association and the formation of pressure groups; (3) the organization and operation of government, under the headings of (a) federalism: national and international, (b) legislative-executive relations, and the legislative process, (c) public administration, (d) local government and administration, and (e) international government and administration; (4) the functions of government (trends, causes, and consequences); (5) the fiscal and economic functions of government under the headings: (a) the financing of government (and fiscal policy) and (b) governmental controls over business, labor, and agriculture; (6) social functions of government; (7) civil-military relations; (8) church-state relations; (9) the voter and his government. Under "Research Methods" the report deals with (1) the comparative method, (2) the analytical and theoretical approach, (3) the experimental method, (4) the quantitative method, (5) collaboration between political science and other social sciences. In order to check its own findings, the Committee sent out over two hundred letters of inquiry to leading American political scientists. From this effort over 120 thoughtful replies were received. These made some very important suggestions, and reinforced effectively the findings of the Committee. Consequently the Committee classified them, made liberal extracts from them, and included them under appropriate headings in an Appendix of 51 pages to the report, which consists of 42 pages. In this Appendix, therefore, one can read the minds of a good cross section of the American political scientists of today.

The Committee on Public Administration was originally appointed in 1928. Its first chairman was Leonard D. White, and he was followed by Luther Gulick, then Louis Brownlow, and finally, William Anderson. During 1944, a comprehensive report on the work of this Committee was prepared for the Council by its chairman. This report will be published, probably in 1945, and is expected to include a report prepared for the Committee on Public Administration by John M. Gaus on developments in public administration since 1930, when his earlier report on Research in Public Administration was published. Although the Committee on Public Administration report and the Gaus memorandum deal mainly with past developments, both contain suggestions for research in the postwar era. Both the Committee on Government and the Committee on Public Administration are now in a state of almost suspended animation. Their funds will expire on June 30, 1945, and there has been no request for renewal. It is fully expected, however, that the SSRC under its new

Executive Director will continue to give support to work in the field of political science. Mr. Cushman remarked that the report of the Committee on Government by Mr. Anderson was an extremely important and statesmanlike analysis of the areas and problems of research in the whole field of government. It is bound to have genuine influence in stimulating and directing research activities.

Ernest S. Griffith, representative of the Association in the American Documentation Institute, reported that the ADI serves as an important potential instrument for the promotion of research, particularly in making available somewhat inaccessible materials by means of microfilm. W. Reed West, chairman of the Committee on Publication of Election Statistics, reported that so long as the war is in progress it is not likely that the Bureau of the Census will obtain funds to carry out the project for an elections yearbook desired by this Association. However, soldier voting has created some problems that are related to elections statistics, and a number of publications have been issued by the Bureau of the Census that are related to the war effort and at the same time have been the basis for experimental surveys. In October, 1944, the Bureau of the Census published *Elections Data in State Documents* (State Documents No. 2) under the supervision of Dr. E. R. Gray of the Governments Division. This publication is mute evidence of the need for federal elections statistics, inasmuch as 216 publications containing elections data are listed, and these are not standardized either as to areas and offices covered or as to time of issue. All of these publications together do not cover elections for all offices. However, these are the sources of data needed by the student of elections so far as they are available in official sources. The references cover elections, primaries, votes upon measures, and compilations of election laws. The elections calendar for 1944 was expanded over those for 1942 and 1943, and the Bureau continued its publication of data on initiative and referendum proposals. The Bureau has in process for publication early in 1945 a list of county and state elective offices, including terms, and planned to publish in January statistics on soldier voting in the elections just concluded. It may be possible for the Bureau to publish in the spring or summer of 1945 some information on voter participation in the elections of 1944. The Executive Council ordered the Committee on Publication of Election Statistics to be continued as a standing committee.

On motion of Howard White, the Executive Council adopted the following resolution regarding publications of the Department of State: "Whereas, the foreign policies of this country are now of more vital concern to our citizenry than ever before; and Whereas, the successful execution of policy in a democratic state requires the consistent support of an intelligent public opinion, which support is not forthcoming unless the public is currently informed of developments in our foreign relationships; Therefore be it resolved that the American Political Science As-

sociation recommend to the Congress and to the Department of State the continuation of the present publication program and its expansion along lines which will facilitate the education of our citizens in the nation's foreign policy, both past and present. The Association particularly commends the recent improvements in format and contents of the *Department of State Bulletin*. Be it further resolved that copies of this resolution be sent to the Secretary of State, to the Director of the Bureau of the Budget, to the chairman of the House of Representatives and Senate Committees on Appropriations, of the House Committee on Foreign Affairs, of the Senate Committee on Foreign Relations, and of the sub-committees on the State Department of the House and Senate Committees on Appropriations, and to members of the American Political Science Association."

William Anderson, chairman of the Committee on Endowment, presented the text of a brochure outlining objectives and projects of the American Political Science Association and soliciting funds and bequests for such purposes. The Secretary-Treasurer announced that two ex-presidents of the Association had already arranged for substantial bequests to the Association. The discussion developed a consensus of opinion that the purposes of the Association would be promoted by funds for civic education, research, publication, conferences, expansion of the REVIEW, and meetings of committees and other agencies. The Executive Council instructed the Committee on Endowment to prepare a brochure and authorized the Secretary-Treasurer to arrange for the publication and circulation of the same.

The report of John E. Briggs, chairman of the Committee on Regional and Functional Societies, is published in the Appendix of the present proceedings of the Executive Council. Remarks by Messrs. Ernest S. Griffith, John M. Gaus, and Clyde Eagleton stressed the need of keeping fields of international relations and local government in the APSA annual meetings rather than abandoning these subjects to societies in the field of international law and public administration. The Executive Council instructed the Committee on Regional and Functional Societies to study and report to the Council recommendations regarding joint annual meetings and the general character of annual meetings of this Association.

George B. Galloway, chairman of the Committee on American Legislatures, submitted a report of its findings and recommendations as to the Congress of the United States. This report consists of a printed pamphlet of 89 pages bearing the title *The Reorganization of Congress* and will be reviewed in an early issue of the REVIEW.[1] The comprehensive and constructive work of the Committee which culminated in this document was

[1] Members of the American Political Science Association may obtain copies at $0.75 each from the Public Affairs Press, 2153 Florida Ave., N.W., Washington, D. C.

made possible through the financial support of Dr. Benjamin B. Wallace. The report was accepted and the Committee was continued with a view to extending its activities to the field of state legislatures. In the discussion of this report, Arthur N. Holcombe raised the question whether the acceptance of the report by the Executive Council included leave to print. The opinion was expressed that any Committee, unless its mandate prohibited such action, had leave to print, but not necessarily leave to publish. Clarence A. Berdahl regretted the fact that such a report as *The Reorganization of Congress* could not have the endorsement of the Association. The APSA would prove a more effective educative organization if it could courageously support a report of this character. Robert E. Cushman replied that while he was eager to have the report received, he desired to say that neither the Constitution nor the time-honored tradition of the APSA authorized the Executive Council to endorse any views, policies, or proposals submitted by any committee of the Association. In law, a favorable vote by the Executive Council on the recommendations of the Committee would be nothing more than an expression of the individual views of the members of the Executive Council. No one is empowered to speak for the Association as such. Ernest S. Griffith, while agreeing with these views, held that reports would have more influence if endorsed rather than accepted, and suggested that a procedure for a mail vote by the membership of the Association might well be devised.

In connection with this discussion, James W. Fesler called attention to the consensus reports offered in the annual meeting of the American Economic Association. The AEA appoints several committees, each composed of about five members, to draft a report expressing the expert judgment of its members on some major problem of public policy, such as (1) the function of government in the postwar American economy, (2) agricultural price supports and their consequences, and (3) international monetary and credit arrangements. The draft report is then submitted to a panel of consultants for initial comment. The final report may be made the subject of a section meeting on the annual program, as was planned this year, and would be released to the press or otherwise published. A major premise of this procedure is the belief that this method would contradict the general opinion that experts disagree on every phase of every public policy and that they have no real contribution to make to the solution of local, national, and international problems.

A report from Marshall E. Dimock, chairman of the Committee on Citizenship Education, recommended that the American Political Science Association broaden its interest in citizenship education and raise its sights. There are three areas to which attention should be given: citizenship education of aliens; adult education of the citizen population; coöperative arrangements in the field of secondary education. The work among

aliens is already well organized—the National Citizenship Education program may be relied upon to take care of that; it does, however, deserve any coöperation we may be able to give in the future. The third area involves a closer collaboration with administrators and social science teachers in secondary education. High school students are not adequately prepared for citizenship. An astoundingly high percentage still graduate without a single course in civics. Few matters are of greater professional interest to our Association. "I wish we could obtain the means of arranging a series of conferences with the secondary school people in which we could get over to them the conviction that citizenship—in the comprehensive sense which includes all subjects, but emphasizes civic duties and the necessity of participation—is the unifying factor in all education and is infinitely preferable to vocationalism, classicism, or any of the other alternatives that are being advocated." In this time when goals and methods are everywhere being revised, the Association might possibly meet with a greater degree of success than in the past. If the above-outlined program appeals to the members of the Association, the Committee on Citizenship Education might conceivably appoint three of its number to concentrate upon the three aspects that have been mentioned, namely, citizenship education for aliens, citizenship education for the adult population, and more attention to citizenship in the high schools and public schools generally. Perhaps, however, because of the importance of the last-mentioned subject, a special committee should be appointed for this purpose, or next year's officers themselves should take up the matter and give it priority of attention.

In connection with this report, Russell H. Ewing, of the U. S. Army Service Forces, was invited to present a statement to the Executive Council regarding his proposal for a Committee on Civic Organization and Leadership Training which would be instructed to investigate the methods used by the Army and Navy and by business and industry in discovering and developing leadership and all other methods for the promotion of leadership training. The Executive Council approved the report of the Committee on Citizenship Education, ordered the continuance of the Committee, and referred the communication of Mr. Ewing to that Committee.

A report from Benjamin F. Wright, chairman of the Committee on Undergraduate Instruction in Political Science, showed that the Committee had been able to hold one meeting during the year in Chicago, as guests of the University of Chicago. The activities of the Committee have resulted in the preparation of two studies, one on "The University of Chicago Sequence in Social Science" and the other on "The Contemporary Civilization Course at Columbia University." Important as is the problem of the relations of political science to the other disciplines of the

social sciences, the Committee desired to concentrate its attention upon proposals for new types of introductory courses. President Leonard D. White indicated that the continuance of the Committee would depend upon the procurement of funds for further conferences.

Howard White presented the report of the Committee on Social Studies, which was accepted by the Executive Council. Coöperation in the planning and execution of the program of the National Conference of the Social Studies and in the Fourteenth Yearbook of the National Council for the Social Studies were the two principal activities of the Committee.

Franklin L. Burdette, editor of the *Directory of the American Political Science Association*, reported that the publication is ready to go to press. As of January 31, 1945, members of the Association have ordered 1256 copies of the volume. Of these orders, 446 are for cloth-bound copies and 810 for paper-bound. Advance payments received total $849.00, and the revenue anticipated from copies already ordered is $1702.00. In addition to biographical sketches of more than 1800 members, the *Directory* will include a classification of members by primary fields of interest, a geographical list of members and of subscribers to the REVIEW, and other data about the Association and its membership. Three letters enclosing questionnaires were sent, whenever necessary, to each member of the Association in order to obtain biographical information. While it was necessary to send follow-up letters to a majority of the membership, more than three-quarters of the members have submitted information, and at least the name and address of every member will be printed. Extensive editorial work has been necessary to assemble material from many of the questionnaires. Advance copies of biographical sketches have been submitted for approval. Editorial expenses have been covered by a grant from the National Foundation for Education.

The report of the Committee on Research was presented by the chairman, Mr. Griffith. This year it dealt with opinions as to the state of research in the profession, together with suggestions for its strengthening. The text of this report appears in full in the Appendix. It was compiled as a result of consultation by the Committee with more than seventy political and social scientists who were available in and near Washington. Mr. Griffith pointed out that only a part of the recommendations of the report were directed to the Association, others being aimed at educational institutions and members of the profession. The report was accepted and referred to the President-elect of the Association for such action as he may see fit to take, looking toward its approval by the Association.

Mr. Griffith also indicated that the study of areas of research by panels of interested members of the Association had been continued during 1944, but that funds available for panel meetings were now exhausted. The President of the Association was authorized to approach the Social Sci-

ence Research Council for a grant of two thousand dollars to permit meetings of the four remaining panels working under the Committee on Research. The interest of certain members of the panel on Political Theory of the Committee on Research in the publication of a series of European texts in theory, paralleling the series on American Political Thought now being developed by the Committee on the Library of American Political Thought under Francis W. Coker, was commended. It was thought that this problem should remain a charge of the Committee on Research.

Mr. Griffith concluded his report by observing that two major items remain on the agenda of future research committees. The first of these is more adequate technical tools—such as a revision of the guides to research, coöperation with the American Documentation Institute, and bibliographical aids. The second is the formulation of a code on standards of research.

The report of the Program Committee for the 1944 meeting was presented by the chairman, James W. Fesler, and accepted by the Executive Council. The joint plans for the meetings of the American Economic Association, the American Society for Public Administration, and the American Political Science Association were complete, but the meetings were cancelled at the eleventh hour by agreement of the presidents of the three associations in order to comply with the recent request of the Director of War Mobilization and Reconversion. Some of the difficulties encountered in making program arrangements included: (1) the necessity of the chairman to make decisions in joint meetings with the representatives of other societies, (2) the use of broad topics of general interest instead of cultivating new and little explored areas, (3) the limited number of sessions available in the short time allotted to the meetings; and (4) pressure to schedule headliners from each group rather than use of new and untried talent. In view of these difficulties, it was suggested that consideration be given to alternating joint sessions with separate sessions. The committee also felt some need for better facilities for hearing of promising young scholars and of current research projects which the program committee might use.

The report on the Personnel Service was presented by the Assistant Secretary-Treasurer and accepted by the Executive Council. It indicated that the 1945 edition of the Service would be issued about March 1. The questionnaires submitted for the Directory will form the basis for a permanent personnel file for each number of the Association. The completion of a survey of war service of members of the Association was also reported. This will be published in an early number of the REVIEW.

The Washington Committee of the Association reported through its chairman, James W. Fesler, a wide variety of activities during 1944. Included were (1) a canvass of political science departments at institutions engaged in the ASTP program to determine the impact of the cut-

back of the program, (2) preparation of an explanatory article for the REVIEW on the "GI Bill of Rights," (3) solicitation of renewal of lapsed memberships in the Association among Washington area members, (4) inquiry as to the demand for political scientists in the federal civil service, (5) advice to the program committee, (6) appointment of a subcommittee on Washington meetings. Four discussion groups were set up in Washington, each of which held several sessions. These revolved around the following problems: (1) the return of political scientists to the campus from war work, (2) the place of Japan and Germany in the post-war world, (3) the reconciliation of powerful administration with democracy, and (4) education and foreign relations. This report was accepted by the Executive Council with sincere appreciation of the service rendered to the Association by this group in a difficult war-time situation.

The Secretary-Treasurer called attention to the unique advantages obtained from the use of the group of political scientists in Washington in the promotion of the professional interests of the Association.

In presenting the report of the Committee on Latin-American Affairs, the chairman, Mr. Fitzgibbon, emphasized the fact that there had as yet been no meeting of the committee, due to its recent organization. He remarked upon the committee's unique assignment, that of dealing with materials in a single geographical area, one of vital interest and importance to hemisphere understanding. For the present, he suggested, the committee's work is exploratory and definite recommendations must wait upon these inquiries. The report was accepted.

Lloyd M. Short, chairman of the Committee on Nomination of Officers for the year 1945, placed in nomination the following members: President, John M. Gaus (University of Wisconsin); First Vice-President, Robert T. Crane (Social Science Research Council); Second Vice-President, James K. Pollock (University of Michigan); and Third Vice-President, Dorothy Schaffter (Connecticut College for Women); and members of the Executive Council for 1945–47: Edward F. Dow (University of Maine); Robert J. Harris (Louisiana State University); John G. Heinberg (University of Missouri); Walter H. C. Laves (University of Chicago); and Chester C. Maxey (Whitman College). An advisory ballot was sent to all members of the Association on May 5, 1944. By June 15, the deadline for return of these ballots, 135 ballots were received. This return compared favorably with the 107 ballots cast in 1943, but obviously included only a small percentage of the total membership of the Association. In the selection of nominees, the Committee followed the usual practice of recognizing fields of specialization, geographical distribution, and types of institutions. The cancellation of the annual meeting of February 1–4 prevented holding the regular business meeting in which the officers for the ensuing year are usually elected. The Constitution of the Association (Article VII, sec-

tion 6) provides: "In the event of an emergency which prevents the holding of the Annual Business Meeting of the Association, the Executive Council shall be authorized to exercise all the powers of the Association, including the election of officers." Accordingly, the Executive Council proceeded to the choice of officers and duly elected the above-mentioned members.

The Executive Council expressed its appreciation to James W. Fesler (War Production Board) for his competent development of the Association's contribution to the program of the fortieth annual meeting, to Henry Reining (National Institute of Public Affairs) who had charge of arrangements, and to the officers of the American Economic Association and the American Society for Public Administration who coöperated with them. The Executive Council regretted the fact that the cancellation of the annual meeting prevented the public delivery of the presidential address by President Leonard D. White on the timely subject, "Can Congress Control the Public Service?" Following the regular practice, the address is published in the February issue of the REVIEW; and a limited number of reprints will be in the hands of the Secretary-Treasurer and can be obtained by members on request.

KENNETH COLEGROVE,
*Secretary-Treasurer.*

## APPENDIX I

### AMERICAN POLITICAL SCIENCE ASSOCIATION
### REPORT OF THE COMMITTEE ON REGIONAL AND FUNCTIONAL SOCIETIES

Presented to the Executive Council
February 1, 1945

During 1944, the activities of most of the regional groups of political scientists were still greatly curtailed. Restricted transportation and hotel facilities prevented the annual meetings of regional as well as national associations. The conference type of regional groups has been most seriously affected by wartime conditions. As in previous years, no meeting of the Midwest Conference or the Southwestern Social Science Association was held; the annual meeting of the Pennsylvania Political Science and Public Administration Association was cancelled on account of travel difficulties; and a breakfast gathering in connection with the joint meeting of political scientists, economists, and public administrators at Washington in January, 1944, served as the fifteenth annual meeting of the Southern Political Science Association. The movement toward the organization of regional groups has made no progress, though most if not all of those already established will probably revive under normal conditions.

Perhaps a new pattern for metropolitan areas is being designed by the Washington Committee of the American Political Science Association, which has appointed a subcommittee to arrange meetings of political scientists in and near Washington. The plan was inaugurated with a smoker attended by 83 persons on November 15, 1944. Smaller groups are being organized with selected leaders to discuss timely subjects at a series of meetings. Besides the opportunity for professional association, the program may produce influential judgments on current problems.

The Southern Political Science Association, most self-sufficient of regional societies, has maintained all its functions, including the publication of the quarterly *Journal of Politics*. Emphasis has recently been placed on research, particularly in relation to public administration in the South. Indeed, the field of public administration seems to be receiving the most active attention of Southern political scientists, if the establishment of the Southern Regional Training Program in Public Administration and a conference in November at the University of Alabama on "research and training in public administration in the South" may be interpreted as indications of such interest. The Pennsylvania Political Science and Public Administration Association has also, quite naturally, recognized the importance of close association between academic students of politics and practitioners in the public service.

Inasmuch as the nature of regional groups and their relation to the American Political Science Association have been analyzed in previous reports of this committee, it seems unnecessary to repeat former conclusions and recommendations. No new developments demand attention at this time. With the end of the war, the national Association should be alert to disintegrating influences of regional as well as functional character. Special interests of either kind can be fostered within the national Association if constructive measures are adopted. Such innovations as the Washington Committee's discussion-group program and the various panels organized under the auspices of the Research Committee may provide a pattern and satisfy a need which will contribute so much to the vitality of the national Association that the organization of independent regional and functional groups will be unnecessary.

*Relations of the American Political Science Association to Cognate Societies*

Last year, the program chairman, Marshall E. Dimock, proposed that the number of sessions at the annual meeting be reduced, that the American Political Science Association meet only with the American Economic Association for a period of several years, and that the programs of the two associations be closely integrated through joint participation in each session. When the discussion of this recommendation seemed likely to be indecisive, John M. Gaus moved that the problem be referred to the Com-

mittee on Regional and Functional Societies for special study. For this purpose President White appointed a large, representative committee to consider such matters as overlapping membership (which is a measure of the degree of kinship), general character and size of various associations in the social science field, time and place of meetings, and program traditions. We have also inquired about the feasibility of planning meetings two or three years in advance, of joint regional meetings, and of integrated programs.

In terms of duplicate membership, the American Political Science Association is more closely related to the American Society for Public Administration than to any other national society. The American Society of International Law appears to be next in kinship, while only about five per cent of the members of the American Political Science Association also belong to the American Economic Association. More political scientists belong to such organizations as the National Municipal League than to other social science associations which are less interested in political phenomena. The membership of political scientists in cognate societies is inversely proportional to the remoteness or specialization of the field. Thus, political scientists in cognate societies seem to be more closely identified with economists, sociologists, and historians than with statisticians, psychologists, and anthropologists—to name the groups represented on the Social Science Research Council. But the connection between any of these major associations, so far as membership is concerned, is too small to be of any significance.

Associated with each of the principal national societies are specialized groups in the same general field which customarily meet at the same time and place. For example, the Agricultural Historical Society, the American Association for State and Local History, the American Catholic Historical Association, the American Society for Church History, the Economic History Association, the Society of American Archivists, and others usually meet with the American Historical Association. The American Economic Association customarily holds its annual meeting jointly with a large group of related associations known as the Allied Social Science Associations, which include the American Association for Labor Legislation, the American Association of University Teachers of Insurance, the American Business Law Association, the American Farm Economic Association, the American Finance Association, the American Marketing Association, the American Sociological Society, the American Statistical Association, the Econometric Society, the Institute of Mathematical Statistics, and the Rural Sociological Society. (The economists regard the meetings in Washington with the political scientists and public administrators since 1942 as "local or regional rather than national.") Homogeneity of subject-matter appears to be the dominant factor in

determining the affiliation of associations in their national meetings, although the organizations in specialized branches of political science operate more independently than those in other fields.

The factors of time and place impose no insurmountable difficulties in the way of regular meetings with other major social science associations. Most of them, like the American Political Science Association, normally meet between Christmas and New Year's Day. Selection of the place would depend upon negotiation with the officers of the several associations, and the plan of the American Political Science Association, adopted in 1939, to meet in Washington, Chicago, and a variable third city in a regular cycle would be abandoned. Since the American Political Science Association is not one of the larger societies, our influence would probably not be decisive in naming the place of meeting. An investigation in 1941 by this committee indicated that meetings in Chicago and Washington are best attended by political scientists. Accessibility of the place of meeting, apparently, has more influence upon attendance than the cognate societies with which we meet.

If regular meetings with closely related associations such as the American Society for Public Administration, the American Society of International Law, the National Municipal League, the International City Managers Association, the Civil Service Assembly, the National Council for Social Studies, and regional societies like the Southern Political Science Association should be contemplated, both time and place of meeting would have to be unified, for wide disparity exists. Perhaps the suspension or curtailment of national conventions during the war has served to weaken meeting traditions so that closer organized contacts could be established with these naturally affiliated groups. Two members of the committee (Harvey Walker and Thomas I. Cook) favor holding the annual meeting at some other time than Christmas, perhaps late in the summer at a resort hotel. A formal alliance might unify the profession of political science and check the trend toward individualistic subdivision. At present, however, no tendency toward federation can be discerned, though no hostility to closer contact has been discovered. One member of the committee (Howard White) is particularly anxious for political scientists to become more definitely associated with the National Council for Social Studies.

Assuming that joint meetings with cognate associations would foster better understanding and intellectual cross-fertilization, these advantages are most likely to be secured if the programs are carefully integrated. But the organization of sessions combining subject-matter and personnel that will command general attention requires long-range planning and wholehearted coöperation. It is impracticable for more than three closely affiliated associations. Even under the most favorable circumstances, there is

little opportunity for specialists to discuss their own peculiar problems. In normal times the large number of collateral groups associated with the historians, economists, and sociologists, each intent upon its own field, would seem to impose insuperable obstacles in the way of an integrated program. A compromise, providing for technical roundtable meetings as well as general coördinated sessions has been suggested. The alternative to some sort of integrated program is an independent schedule of sessions by each association, which results in conflicting attractions and such general confusion that many advantages of a joint meeting are nullified. Nevertheless, in spite of the difficulties involved, the consensus of opinion in the committee favors broader contacts with social science associations, provided that the vitality of the American Political Science Association is not impaired:

Most of the committee members feel that meetings with other social science groups on the regional level would be profitable. This, however, would depend upon circumstances. There is a general recognition of the need for coöperative study of current problems. Perhaps mutual understanding and intellectual stimulation can be achieved best by the more intimate acquaintance that is possible in smaller groups.

The proposal that meetings be planned two or three years in advance, so as to secure an orderly sequence of association with our social science neighbors, does not appear to be feasible.

*Conclusions*

If the American Political Science Association should adopt a policy of meeting with other major social science organizations, the following factors should be considered:

1. The duplication of membership between the American Political Science Association and other major social science organizations is too small to be of any significance.

2. Since the American Economic Association and the American Historical Association are normally surrounded by numerous collateral societies in closely related fields, the independence and identity of the American Political Science Association would tend to be lessened among so many organizations.

3. The influence of the American Political Science Association would not be decisive in selecting the place of meeting, although attendance is affected by accessibility of the meeting place.

4. Integration of the program by joint participation in each session would be very difficult and unsatisfactory, if not utterly impossible.

5. Regular meetings with associations more closely related to political science would involve radical changes in the time of the annual conventions as well as narrowing rather than broadening the area of contact.

6. Regional conferences might provide organized contacts with related social science groups if national joint meetings are not developed.

PHILLIPS BRADLEY
THOMAS I. COOK
ELMER D. GRAPER
THORSTEN V. KALIJARVI
ROSCOE C. MARTIN
MATTHEW C. MITCHELL
H. C. NIXON
CHARLES C. ROHLFING
CHARLES H. ROHR
CYRIL B. UPHAM
HARVEY WALKER
HOWARD WHITE
HERBERT WRIGHT
JOHN E. BRIGGS, *Chairman.*

## APPENDIX II

## REPORT OF THE RESEARCH COMMITTEE OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION ON OPINIONS AS TO THE STATE OF RESEARCH IN THE PROFESSION, TOGETHER WITH SUGGESTIONS FOR ITS STRENGTHENING

### *I. The Setting*

It is incumbent upon a professional and scholarly association, or for that matter, any organization, to conduct periodic audits of its adequacy and usefulness. Such an audit is particularly appropriate, if its timing can be related to some turning point in the association's history.

The end of the present war seems likely to be such a turning point for the American Political Science Association, and especially for the research activities of its membership. Without attempting to document this statement in detail, it is perhaps sufficient for our present purpose to indicate the wartime influx of our members into governmental positions and the tremendously enhanced importance of government operations as two major factors affecting the course of research in our field. To this we must add the uneasiness, sharpening at times into profound dissatisfaction, which pervades our profession in its more introspective moods. Even those who do not share this dissatisfaction—and there are many—welcome self-criticism as a healthy corrective to undue complacency and also as likely to reveal new and even sounder channels for development.

These considerations and many others led the Executive Council of the Association to charge the Association's Research Committee with the function of reporting on handicaps and aids to research in political science. The Committee has considered this assignment at some length, taking counsel with more than seventy other political and social scientists. The report which is here presented owes whatever merit it may have to the wholehearted coöperation of these many members of the profession

who have given generously of their time and thought. Funds were lacking for systematic exploration. The report throughout must therefore be regarded as a composite statement of opinion, of value if it articulates and crystalizes the thoughts of hundreds of others; still more valuable if it provokes to criticism; most valuable of all if it stimulates to thought and action the colleges and universities, the government, the foundations, and the individuals, whence research must come.[1]

The major transition which is taking place in the social order—a transition from atomistic effort to collective, organized, coöperative or administered activity—is reflected in countless aspects of the contemporary culture. Research in the social sciences generally and the microcosm which is research in politics and government in particular are not divorced from or insulated against this trend. The sheer magnitude of many governmental problems is too tough a nut for the isolated researcher to crack. While some dissented, one after another of those consulted by the Committee pleaded for or predicted the day of group or coöperative research. To them, this was the only research that could hope to conduct most of the major inquiries upon the findings of which contemporary statesmanship must base its policies. The anarchy of the lone scholar has had a glorious place in our intellectual history; and still must and will continue. It must continue in part at least as a protest against and a critique of the collectivistic vortex that is sucking into itself so much even of our intellectual life. But there is surely also needed the team play, the combined wisdom of a group, if major problems are to be explored with the thoroughness, the detachment, and the extensive coverage which they need. Yet nowhere is there systematic graduate training for such group research; and there are few evidences of the willingness of the individual scholar to subordinate his own private projects to a wider and more significant coöperative endeavor.

Perhaps half the members of the Association and more than half of its really creative and productive minds have participated in some aspect of the war effort. Most of them have participated as social scientists, and

[1] This report deals with the problems of research. Not only its content but its emphasis is upon facilitating a better research product. For this it offers no apologies. However, it is well at the outset to state explicitly that the Committee thereby intends no reflection upon those members of the Association whose gifts and whose interests lie more in the fields of teaching, administration, or civic activity. We do not regard it as either necessary, appropriate, or even possible to pass judgment on the relative social values of these various outlets for employing the abilities of our colleagues. Quite the contrary, we condemn the tendency in certain institutions to make its faculty conform to a single pattern in emphasis—whether that emphasis be upon research, teaching, administration, or civic activity. Each member of a faculty should, so far as practical considerations allow, feel the maximum freedom to develop his own peculiar genius.

have seen what team effort at its best can or could do. Many, perhaps most of them, have caught a glimpse of the modern government in action; and in their exchange of the cloister for the maelstrom of administration or warfare have seen also how precious a quality is added to research when it is both significant and responsible. Some have gone further, and see a rôle ahead for the political scientist which has done with little things; which senses the fact that a project does not have to be useless, futile, or insignificant in order to be scholarly. The point which the Committee wishes to underscore is that these experiences have stretched the minds of all of us and make imagination, disciplined imagination, far more widespread among our number than ever before. It is in this atmosphere that our graduate schools should rethink their programs in political science. The world of government and the world of scholarship should effect a liaison. To this end, the Research Committee is making herewith a series of recommendations to those institutions and those persons in a position to exercise effective leadership.

### *II. Scope of the Report*

This present report does not concern itself with the subject-matter, the particular inquiries that need to be made, the areas of political behavior which ought to be explored. For this task, as difficult and as far-reaching as it is vital, the Committee has added to existing facilities a series of panels in various broad subject fields—comparative government, political theory, communications, public law, state and local government, representative government and the legislative process. These panels are commanding the interest and support of many of the keenest intellects in the profession in the evolving of their reports. These reports, it is hoped, will serve as terms of reference for many years to come to large numbers of scholars. Nor is the Research Committee alone in its efforts. The study outlines and other projects of the Social Science Research Council are invaluable in marking out particular topics to be explored. Its Committees on Government and on Public Administration have made their contribution to the statesmanship and strategy of research by presenting reports on the fields most worthy of inquiry.

This report does not deal with fields of research, but attempts rather an audit of the institutional and cultural setting within which political scientists function. What are the handicaps to research—handicaps financial, social, psychological, ethical? What are the handicaps in the lack of tools? What aids are within the realm of possibility? What are the underdeveloped types of research, its limitations, its false starts, its dangers? Who should do what? To answer such questions as they deserve answering is beyond the possibilities of your Committee unless in the effort the fine coöperation thus far extended by so many political scientists is followed

by scores of others willing to comment upon and criticize and try out the suggestions that follow.

Two other major aspects of the problem of research in political science have been largely excluded from this report. These are the criteria for research standards and the rendering of research findings accessible and understandable. Their virtual omission is accounted for, not by any lack of awareness of their importance, but rather by the fact that this report is in answer to a specific mandate from the Executive Council of the Association, a mandate which did not include these aspects of the over-all problem. Some day, as time and ability permit, the Committee may well turn its attention to them.

### *III. Types of Research*

Your Committee gave some attention to the question of a definition of research, but reluctantly concluded that the individuality and subjectivity of the profession made the formulation of such a definition of doubtful value. Members have been inclined to exercise their scholarly prerogatives and use the term for a wide variety of inquiries and explanations and for the results thereof. The Committee has no desire to apply a strait-jacket. With the full knowledge that the somewhat loose use of the term will reflect itself in the nature of its report, it prefers to take the risk, rather than to appear to place outside the pale some useful intellectual activity which any respectable group of members may regard as research.

The definitions in Webster's and the Encyclopedia of the Social Sciences are relevant:

Webster: "Studious inquiry or examination; specifically and usually critical and exhaustive investigation or experimentation having as its aim the discovery of new facts and their correct interpretation, the revision of accepted conclusions, theories or laws, in the light of newly discovered facts, or the practical application of such new or revised conclusions, etc.; also a particular investigation of such a character or a book, article or the like presenting the investigation discoveries."

Encyclopedia of the Social Sciences: "Research is the manipulation of things, concepts or symbols for the purpose of generalizing to extend, correct or verify knowledge."

The Committee does, however, believe that there is value in noting the various main types of activity to which the term "research" has usually been applied. Roughly these break down somewhat as follows:[2]

1. A considerable amount of research is done in American colleges and, we suspect, in universities too, of which the primary purpose is the stimu-

[2] The analysis in Section III is largely the work of Carl B. Swisher.

lation and invigoration of the mind of the teacher rather than publication. Teachers of foreign languages go to foreign countries to establish more vital contact with their subject-matter. Geologists make field trips for the same purpose. Economists make tours of industrial establishments. Political scientists survey government in all its variety to enable them to rise above the level of repetitive textbook performance.

2. Closely allied to the first kind of research is that which leads to the publication of sporadic articles on isolated subjects in which the researcher happens to develop an interest. This type has not merely the value of stimulating the thinking and teaching of the individual concerned, but also that of adding to the information of those readers who may happen to find the subject one of interest. Such research does not call for an integrated program of research on the part of the investigator or for the coöperation of other investigators in the field.

3. Research of a very different character is that which consists predominantly of the synthesis of factual findings and their interpretation in terms of ideas. It finds explanations which lie as a rule in the interstices of factual materials already available or not too hard to find, materials which have not previously been organized in such a way as to reveal their significance. To make the point in somewhat different language, this type of activity is not research in the sense of the discovery of factual information not previously brought to light, but in the sense of discovering within available factual materials the meanings which ought to provide guides to thought about government and to governmental activity.

4. Another type of research is that which is involved in keeping up with current events in fields wherein the basic historical information has already been collected. Examples are the annual reports of developments in federal and state constitutional law, annual reports on the activities of Congress, periodic studies of changes in governmental information, and so on. The ease or difficulty with which such work can be done and the amount of time and the variety of skills required vary with the dimensions and character of the projects.

5. A type of research growing increasingly important is that involved in the accumulation of tremendous masses of factual material usually to discover whether or to what extent or in what way government intervention is called for in a particular field, or to measure the effects of government operation. In this category are cost-of-living studies such as those sponsored by the Department of Agriculture and the Department of Labor, studies of civil liberties in industry such as that carried on over a number of years by the LaFollette Committee, studies of race problems such as that which recently came to fruition in a two-volume work by Gunnar Myrdal, and so on. Such projects are beyond the scope of the powers of any single individual. They call for the combined efforts of considerable

numbers of skilled investigators. They call for the use of specialists in many fields and for the careful integration of the fruits of the efforts of specialists.

6. Closely related to this, in that it is frequently based upon it, is research designed to achieve some public purpose. Such research is customarily stimulated by a growing awareness of some serious problem which may call for change in governmental policy. This type is discussed more at length elsewhere in the report.

7. Finally, we have research which is carried on primarily for the purpose of educating the younger scholar in the methods of research. Such is the purpose of most graduate theses, even though the work is done under the polite assumption that the major goal is that of making a "contribution to knowledge."

The reappraisal of research in political science as carried on by members of the profession ought to be made in terms of these several purposes. Research for one purpose ought not necessarily to be measured by the same standards as those applicable to research for another purpose. We regard all the purposes listed as not merely legitimate but important. The discontinuance of action along any of the lines mentioned would be tragic for the profession. As to the first type mentioned, the Committee on Research can do little more than to suggest hearty approval by way of encouragement. Not much advice can be given beyond the insistence that teaching in political science would operate on a much higher level if all teachers engaged in continuous research of some kind in order to keep in touch with the vital processes of government.

As to the second type of research, the Committee can do little more than offer a gesture of approval in the same fashion. It calls attention, however, to research outlines which are appearing or have appeared in a number of fields and to suggestions of the panels of the Research Committee on the subject of investigations which ought to be made, investigations which are of such dimension as to be within the scope of the activities of individual investigators. It is believed that no loss of spontaneity need be suffered through the survey of potential topics of research which have been suggested by other men. We would say nothing by way of an attempt to discredit the faith in "divine flashes of inspiration" by which some political scientists claim to be guided to their several subjects of research, but we do recommend that members of the profession give aid to divinity by putting themselves in contact with fruitful topics.

The third type of research—that of organization and synthesis to bring out significant meanings hitherto hidden or unnoticed—has value at least equal to that of any other kind. It calls for wisdom and imagination which cannot be brought into being in any short period by any recommendation which this or any other committee might make. Without men in the pro-

fession possessing these qualities, research of this kind will be done poorly or not at all. It can be facilitated by suggestions made elsewhere in this report, namely, by giving greater opportunity in the form of release from teaching obligations, in the form of fellowships providing opportunities for reflective study, and in providing association with other men who have the capacity to stimulate thought. Beyond these moderately specific aids we think it important that we state the ideal of developing not merely skill in the quasi-mechanical techniques of research and informational backgrounds, but also that we give thought to the development and encouragement of capacity for significant generalization about the store of factual material which, by means of one device or another, is being made available. It is preëminently intellectual activity of this type which best measures up to the definition of research cited from our Encyclopedia.

Keeping up to date with developments in varied fields calls for techniques and abilities as varied as the fields themselves. It calls for watchfulness and imagination, to the end that reporting will not necessarily continue in terms of old categories which may grow obsolete or at any rate become inadequate to the explanation of new phenomena in the respective fields. New techniques, whether they be statistical, biographical, psychological, or other kinds, ought constantly to be tried out in the effort to portray continuations in fields in which political scientists deem themselves to be masters.

More impressive because of the recency of its development and because of its need in connection with the current operations of government is research which is carried on by huge organizations on a dimensional scale completely out of line with research in political science as we have known it in times past. It involves work which can be done only by means of the collaboration of large numbers of persons who bring together varied skills and techniques. Without large-scale research, large-scale government as we know it today cannot hope to operate in terms of prompt and adequate knowledge of the results of its operations. Because recognition of this type of research is relatively new to the field of political science, it has not received the attention from the rank and file of our membership which research of other types has received. We need to develop a keener awareness of the importance of organized fact-finding to the intelligent operation of government in a complex economy such as ours. Important as it is, however, it is not pretended that organized research can take the place of research of other kinds. Groups of men can collect facts in the mass, but the significant ideas spring more frequently from the mind of an individual playing upon the results. Especially where such coöperative research involves not only fact-gathering but the analysis of the individual problems which go to make up the greater whole, the end product requires that there be in the group some one man with rare gifts of synthesis, whose contribu-

tion consists in integrating the findings of others into a unified whole. Inspiration as well as information can come from the inter-stimulation within such group. While men cannot think intelligently without the information on which sound thought must be based, furthermore they cannot collect information intelligently without careful thought as to the collection which needs to be made. Group research has value in proportion to the amount of careful thought which goes into its planning and which thereafter draws meaning from the factual materials accumulated.

In the light of the variety of purposes of research, that research which is carried on predominantly for the education of new members of the profession must be similarly varied in character. A project in terms of which the student learns to accumulate information by his isolated efforts may not be greatly helpful to him if he seeks to participate in group research. Conversely, participation as a cog in the wheel of a huge research machine may not develop in him any of the capacity for finding significant but hidden meanings within the mass of the phenomena considered. Research predominantly in terms of ideas and abstract concepts may be of little help in developing capacity to accumulate significant factual information, whether in the students' individual capacity or as a member of a research team. Every director of research, therefore, who claims to be a teacher of research as well as a participant in the process itself must give thought to the ends which he hopes to achieve through the training process. The student likewise ought to be made aware of the fact that there is no single route which leads to general competence in research in the field of political science. We believe that graduate departments of political science would improve their methods of teaching and promote the welfare of their students if they would examine critically the ends and aims which they hope to achieve and plan their programs accordingly.

### *IV. The Rôle of the College and University*

The responsibility for conducting research is shared by government and by foundations, but the preponderant rôle for training researchers belongs to the universities and colleges. Differences of opinion exist as to how far short of adequacy the institutions of higher learning fall in performing this rôle; but that they do fall short is well nigh unanimously agreed among those consulted by the Committee. Good, yes, brilliant men lost to the profession altogether; apparently brilliant men entering the profession and becoming sterile, or, what is worse, superficial; research divorced alike from reality and need; researchers that cannot work in a team; research that limps to doubtful or even innocuous conclusions for lack of methodological equipment adequate to the task; researchers that do not recognize the irrelevant—these criticisms and others like them point to a state of affairs in the training of our scholars that should remove any

shred of complacency that may still lurk in our graduate schools. Probably 95 per cent of even moderately significant research turned out by members of our profession in the colleges and universities comes from 20 per cent or less of our number. Inasmuch as by the quality and quantity of the findings in our field, the opportunities for statesmanship in the future will largely be determined, we must take full account of this criticism and strive to remedy the conditions that evoke it.

Before turning to the training given in the graduate schools, a word is in order as to the rôle of the undergraduate college. We in political science have or should have a subject-matter which is potentially the most exciting of any in the curriculum. We are not suggesting that we engage in an undignified—or even a dignified—tug of war with our sister disciplines for the promising student. Nor are we suggesting a preoccupation with ever more departmental hours and courses even for our own majors. In fact, it is probable that the more we encourage our students to equip themselves with the concepts and principles of economics, geography, psychology, sociology, and the more we suggest the deep wisdom and insight that comes from the historical approach and the more we challenge the student to use these concepts, principles, wisdom, and insight in our ordinary undergraduate upper-class courses, the greater our chance of stimulating those potentially brilliant students who come our way to stay with our subject and eventually to join the ranks of the creative scholars therein.

Then, too, the experience of any number of colleges has demonstrated that the undergraduate can have the joy of the discovery of an idea or of fresh data—a satisfying experience and a joy which may well motivate his subsequent career. Research courses; thesis seminars; even the term paper for which ample time is allowed; special emphasis upon criteria for evaluating good work; laboratories—all are devices tried, and successfully tried, at the undergraduate level. Prizes and other forms of recognition are surely relevant as motivating factors. We recommend them.

The Committee is frank to admit that the factors motivating undergraduates to follow a research career are far from fully known. Therefore we recommend further inquiry, adequately financed, to ascertain from which colleges the most and the most successful graduate students come, and further inquiry to discover, if possible, what factors—curricular, financial, personal, and otherwise—seem to have accounted for such success. The publication of the results would in and of itself be well deserved recognition of the contribution of these institutions and of the particular professors therein who planted the seed corn. It is our opinion that the results would not stop at this point, but that with intelligence would come emulation.

Upon the graduate schools, their standards, their curricula, and their opportunities rests the major responsibility. Let us make clear at the out-

set that we do not advocate uniformity in graduate curricula. Quite the opposite; for we feel that so little is really known as to the ways and means of training for research in the new world that almost any experiment that is loyal to the basic values of all science is to be encouraged. However, there is a core—in methodology, perhaps more than in content—which seems to us to be vital. We have already mentioned literacy in the basic concepts of the other social sciences as vital to undergraduate instruction. We underscore this at the graduate level. Interdisciplinary coöperation is imperative in research into many, if not most, of the important contemporary problems. For example, it is difficult to mention any really important problem in government toward the understanding of which a knowledge of economics is not vital. Conciseness and clarity in expression are evidences of mastery; and the art can be acquired or even taught. The major approaches to the data of politics, such as the philosophic, quantitative, historical, cultural, psychological, descriptive, legal, of course must be mastered—not by rote, but instrumentally. Rigid criticism of a student's work for relevancy should be taken for granted; unfortunately, it cannot be. Some schools are not really equipped to give a Ph.D. They should consider seriously whether to strengthen their work or withdraw from the field.

The opportunities for experiment are many. We regard as particularly hopeful the extension of laboratory techniques into ordinary graduate seminars whereby the student is brought into contact with government in the raw. Let him criticize a budget, draft a charter, codify laws, conduct an opinion survey or a controlled experiment in changing opinion, discover the history—the real history—of how a controversial bill became a law. Where feasible, let the graduate student serve an internship as an administrator or in a legislator's office and recognize the experience—where intelligently interpreted—as coin of the academic realm.

Among the most ready channels for experiment is training in the participation in and conduct of group research. We invite at least some of our graduate schools most earnestly to consider the introduction of such systematic training. Governmental research is mostly group research. Group research is also the hope of significant contributions on the part of hundreds of members of the small college faculty and in many universities. Moreover, many, if not most, of the major problems of government today are too extensive for the single individual to complete his research on them in time to be of practical use, not to mention the probability that the data themselves are so fluid as to be long out of date if the researcher is unaided. By out of date we mean not merely that situations will have changed, but that changes in one sector of the problem explored in the early stages of the inquiry will in all probability invalidate the findings in those sectors subsequently explored. Yet nowhere, so far as your Committee is aware,

is systematic, effective training given in the methods and attitudes which group research demands.

We close this discussion of graduate training with a word of warning. It is original, creative researchers that we most need. It has been suggested that such researchers are not likely to come from graduate schools where the students or younger faculty members are dominated or even domineered over by a particular senior faculty member's own prejudice or even approaches. Nor will they normally come from situations in which the graduate student is unduly exploited as a teacher to aid in balancing the budget, or exploited as a kind of research assistant to a professor who wants a particular job done for his own purposes and who is willing to award a Ph.D. as the bait for intellectually servile coöperation. These cases are not rare, if we are to judge by the experience of the younger men with whom the Committee took counsel.

Here again we suffer from want of a systematic study of the end product —our Ph.D.'s. How many Ph.D.'s produce their second book or an output of significant articles? From what institutions do they come? What elements in their selection, training, or placement were favorable or unfavorable factors in such continuation of scholarly effort? Were many of the candidates in certain of the schools quite unsuitable for work at the graduate level, and did these depress the level of work at these schools? Is there a vicious circle whereby certain institutions find their graduates favored in placements, in so far as a favored placement involves greater research opportunities? Does this overweight the reputation for success of the institutions in question? We recommend as scientific and as thorough a study of these questions as the data will permit.

### *V. Post-Doctoral Research*

The absence of worth-while research from so many who, one might suppose, would be mature and fruitful scholars has been commented upon again and again. Why the blight which overtakes so many at the time at which one expects so much? Why do so many who produce even worthwhile things so seldom produce them? Why is such an amazing amount, perhaps even a preponderance, of the best research the product of a relatively few institutions? If this criticism be deemed too severe, your Committee can only plead that it is performing the reporting function, for these views represent the views of the great majority of those consulted. True, there was dissent, thoughtful dissent, among a minority from such a pessimistic view. We are glad to record it.

The Committee at this stage must largely confine itself to hypotheses as to the reasons for the conditions lying back of the pessimism—hypotheses that obtain very wide acceptance, but which are unverified none the less. Such is the commonly held belief that a heavy teaching load is the princi-

pal handicap. It appears to be self-evident that research opportunities are far more limited for a man with a fifteen-hour load than for one whose load is nine hours only; for one with four or five different courses than for one with two or three. The extreme diversification of courses is particularly prevalent in the smaller institutions. Yet where the load is fifteen hours, there still remain the long summer period and the sabbatical leave, unless the heavy load is also accompanied by inadequate salaries which make teaching in summer or during the sabbatical virtually a necessity. It is easy for the Committee to recommend reduced teaching loads and higher salaries, but it is less easy to suggest to the administrator who bears the financial responsibility for the institution the ways and means for the financing of the same. Without advocating a counsel of perfection, we do call attention to the possibilities of educational devices, such as the "four course plan" and the "reading period," which have as their valuable by-product a measurable release of faculty time without any increase in expense. Even in those institutions unable to afford a sabbatical year, a little ingenuity will allow some course reduction occasionally to a limited number of faculty members who submit definite research projects. We urge our membership on the various campuses to support or initiate the formation of faculty committees to work on the problem herein suggested.

There are, of course, other handicaps to research quite apart from the heavy teaching load and the inadequate salary. In some individual cases the financing of research may be a serious obstacle, particularly at institutions which cannot provide funds for social science research. In this connection, however, it is important to note that the grant-in-aid program of the Social Science Research Council is specifically designed to aid mature scholars at such institutions in the completion of research projects. It is pertinent to note here also that the Social Science Research Council's post-doctoral training fellowships have as their primary purpose the broadening of the research training and equipment of promising young social scientists, not the facilitation of the completion of research projects or the continuation of investigations undertaken as doctoral dissertations. In general, the evaluation of the financial handicap to research is difficult; there is reason to believe, however, that a scarcity of funds is not a prime cause for the scarcity of significant research.

With respect to publication, there is a difficulty faced by the scholars who write *in extenso* in a non-popular manner or on a subject not lending itself to textbook treatment. Certainly this must be a marked factor in the relative absence of systematic, scholarly post-doctoral monographs among the profession. We doubt very much if more than 10 per cent of the profession ever achieve a book apart from their doctoral dissertation—other than a textbook, which, however excellent, seldom involves major research.

On the other hand, there is every reasonable expectation that the more

modest single article will find publication in one or another of the scholarly journals, if it is really worth while.[3] This is one of the really bright spots on the research horizon. Yet, taken by itself, it contains a real danger that the scholar will be tempted to regard several, perhaps unrelated, articles as an acceptable substitute for the sustained, thorough exploration of a major area or problem in our field. This probably accounts for the relative absence of scholarly institutional histories—apart from constitutional law and the presidency—in our literature.

We therefore recommend that there be a fund for subsidizing the publication as well as the research thereon of monographs in political science. This fund should be administered either by the Social Science Research Council, if it is part of resources available for social sciences generally, or by the American Political Science Association, if it is available for our field alone.

Recognition is also coin of the realm in academic circles, whether or not it is associated with academic promotion. We therefore recommend that citations or even prizes be given annually for outstanding books or articles of research. Such awards could well be administered by a committee of the American Political Science Association after the model of the Winsor Prize of the American Historical Association. Such recognition we believe would be followed not infrequently by academic promotion as a by-product thereof.

The Committee found a widespread belief that the stimulation of associates played a major rôle in motivating research. In and of itself, it probably is a not inconsiderable factor in what is apparently a higher per capita output among the departments in the larger universities than among the small colleges. In certain even of these larger institutions, the senior men seem to discourage the younger men from research, partly because they, themselves, are not researchers. These statements obviously need further investigation before evaluation or even before acceptance. However, by way of illustration, more than one person called attention on the positive side to the remarkable success of the graduate school of the Brookings Institution in this regard during its relatively short existence. The Committee has gone a step farther and recommends that steps be taken experimentally on a regional basis to provide such stimulation, especially for the faculties of the small colleges. If this report is accepted, the Committee plans to invite the coöperation of one or more of the outstanding university faculties in carefully chosen areas in undertaking such an experiment in coöperation with near-by colleges.

Nor is such an experiment by any means the only avenue for stimula-

[3] A possible exception is the apparent lack of a market for the valuable "interim report," a characteristic technique among natural scientists in order to obtain the criticism of their colleagues.

tion. We recommend that all colleges and universities pay at least the travel fare of a faculty member to the annual meetings of the national and regional professional associations. Thereby the faculty member, however isolated, can for a few days at least be brought into personal relationships with many of the members of the profession who are doing its creative research and thinking. Akin to this is service for a period in some branch of government, and we recommend in this connection the establishment of internships at the faculty level after the National Institute of Public Affairs model. Here the stimulation may come, not so much from fellow scholars, as from the impact of mind on mind—the mind of the skilled practitioner upon that of the mature scholar.

The heresy-hunters of the twentieth century are, not in the field of religion, but in the vast area of public affairs. We believe that timidity characterizes many of our colleagues, and that much of that timidity is unfortunately grounded in experience. We recommend, therefore, full support to the American Association of University Professors in their tireless campaign to promote the combination of tenure and freedom. Even more we recommend that those of our number in a position to do so make it their business to further the advancement, academic or otherwise, of the many political scientists who possess in full measure a moral courage which shies at no subject, however controversial, if it is also important, and who also never compromise their scholarly standards to become mere agitators.

So many of our colleagues have stressed ethical factors as stimulating research that we make no apology for stressing them also. Surely a sense of obligation to one's community, nation, or to humanity in general need not taint the ideal of pure science which we all strive after. It can and does affect the choice of subject; it can and does sustain the flagging will; it can and does lend a flair to the presentation of material—all this without any distortion or any faithlessness to the ideal of truth.

Your Committee has not yet considered in any systematic fashion the need for further aids to research over and above the ones already mentioned. Suggestions have been made that guides to the research facilities in Washington and perhaps other centers are needed. The gap left by the suspension of the Social Science Abstracts has never been filled. The bibliographical aids furnished by the REVIEW are invaluable, but your Committee would like to hear suggestions for increasing their usefulness and perhaps adding to them. Inter-library loan, microfilm, photostats, are potential rescue squads to the scholar otherwise condemned to inadequate library facilities, but we doubt if many are aware of them. Yet even with these aids, there is great need for building up the ordinary library in more institutions.

The state university has certain problems and possibilities all its own. We recommend that funds be made available for a study of the pattern of

research in political science in these universities. We should like to know more about the reasons why some of them provide liberal funds and facilities for faculty research. Does back of such provision lie a history of usefulness to the state government, a keeping off of controversial subjects, an enlightened electorate, or all three? We should also like to know why some state universities make no financial provision for such research. Were the state legislatures ever approached? Have faculty members been "indiscreet" or "stuffed shirts" or merely inert and timid? In increasing measure, our higher education is becoming public education. The state university carries far more of the future of research in its hand than many care to admit. We should know our problem and plan accordingly.

### *VI. The Rôle of Government*

Government is a formidable albeit a friendly rival to the university in the research field. Its resources are so enormous, the avenues of information that are open to its staff are so far reaching, that one cannot but realize that its destiny is to play an ever larger rôle.

How far the American Political Science Association can influence or strengthen this government research program—at all levels, municipal, state, and national— is still uncertain. The Association's Committee on War Time Services has already done an admirable piece of analysis in this regard;[4] and repetition of this analysis is scarcely justified. We do, however, strongly urge certain matters upon those in a position to influence the course of events.

We are convinced that much isolated research effort would be socially far more useful if it were part of a nation-wide group research program, led presumably by an interested arm of the federal government. Such an approach could give a most excellent picture, for example, of the workings of rationing boards or of programs of federal subsidy or of local attitudes toward the Fair Employment Practices Committee. Similar leadership ought to be forthcoming from organizations such as the Council of State Governments; and, if forthcoming, ought to be accepted by college and university departments of political science. Financial recognition for such assistance might be added, but this is distinctly a secondary consideration.

We recommend, subject to obvious exceptions, that all federal and other governmental agencies adopt the practice of many of them in allowing, or even in insisting that, published research bear the name or names of the members of the staff responsible for them. We support the program of most governmental agencies whereby results of research are published.

We recognize the limitations of government research, its insistence on deadlines, the existence of forbidden areas. It suffers likewise from fre-

[4] See this REVIEW, Oct., 1942, pp. 931–945.

quent change in personnel and from excessive emphasis on clearances. Yet with all its limitations it has the supreme advantage of being responsible in the sense that it is designed to be translated into action. Glib generalizations, shallow reasoning, carry with them their own nemesis. When to this fact is added its enormous potential resources, it is small wonder that government-sponsored research commands the services, and after the war will continue to command them, of a not inconsiderable fraction of our keenest political analysts.

*VII. The Rôle of the American Political Science Association*

Suggestions whereby the American Political Science Association might aid its membership in their researches have been numerous. Many have already been mentioned.

Roughly, these suggestions fall under four headings: recognition, support, facilities, leadership. Under recognition, we have already suggested the merit of judiciously chosen awards and citations, and these need not be repeated here. We have also urged that the Association lend its weight to financing research where feasible, through foundations or otherwise, and that it should tirelessly urge such support upon colleges and universities and government. The efforts of the REVIEW to facilitate research are greatly appreciated. We make two suggestions at this point. One is that the list of doctoral dissertations be expanded to include notice of research projects undertaken by members of the Association who have completed their doctorate. An annual request for such topics, issued at the time of one of the fairly numerous circularizations of members would, we believe, bring results. Such a list not only would earmark fields but would create bonds of interest and mutual support among those working on related subjects. The second recommendation is that a certain quality of ruthlessness should find its way into the book reviews. We are too much a "protected" profession in this regard and lack the stimulus to high qualitative output which such reviewing would create.

Your Committee has not thought it advisable to include reommendations concerning the Social Science Research Council within its orbit, inasmuch as the Association has so recently sponsored a special committee on this subject. We do, however, most respectfully, but also most strongly, call the attention of the Social Science Research Council and its Committee on Government, and perhaps the foundations as well, to the numerous recommendations scattered through this report for investigation which almost necessarily will require funds to finance.

Finally, we have suggested that our Association furnish leadership in stimulating and guiding the research of its members. For this responsibility the Committee which submits this report must first of all itself be held accountable. But we have never and can never give this leadership in and

of ourselves. We have sponsored and are sponsoring panels in most of the major fields of interest in political science—panels designed to evolve a strategy for stimulating and guiding research in each of these fields for many years to come. But these panels have not succeeded and cannot succeed without the magnificent support which the membership as a whole has extended to them. Your Committee has also brought in a report on "Priorities in Research in War-Time," but the report was really the joint production of two score political scientists and not of the Committee alone. So also this report. It too represents, even in this its early provisional stage, the pooled wisdom of many times as many of the Association's membership as are on the Committee. In other words, leadership in the Association must come from all those with the will to give it, and who possess the thoughtfulness which makes respected the views they propound.

| | |
|---|---|
| William Anderson | Carl B. Swisher |
| Harwood Childs | Francis G. Wilson |
| Karl Loewenstein | Roland Young |
| Joseph E. McLean | John Sly |

Ernest S. Griffith, *Chairman*

SUMMARY OF THIRTY-THREE PRINCIPAL RECOMMENDATIONS

I. Recommendations for Action
   A. *Undergraduate Colleges—re* Students
      1. See that political science majors equip themselves with the concepts and principles of the related social sciences.
      2. Include in the curriculum projects designed to give the student the exciting experience of discovery of fresh data or a new idea.
      3. Offer prizes or other recognition for undergraduate research.
   B. *Graduate Schools—re* Students
      1. Reëxamine the ends and aims sought for, and plan programs accordingly.
      2. Make certain that the graduate student is or becomes literate in the fields of the other social sciences.
      3. Insist upon relevancy, clarity, and conciseness in the student's seminar work.
      4. Include in all student programs an instrumental knowledge of the major approaches to the analysis of the data of politics.
      5. Experiment in training for group or coöperative research.
      6. Avoid all forms of exploitation or domination of the graduate student, in matters such as point of view, choice of thesis subject, excessive teaching load.
   C. *Colleges and Universities—re* Faculty
      1. See that the teaching load is such as to permit research, es-

pecially in instances in which a faculty member submits proposals for a definite research program or project.

2. Institute faculty research committees charged, among other matters, with facilitating research opportunities.
3. Pay the travel fare of faculty members to the annual meetings of the national and regional professional associations.
4. Give priority in appointments and promotions to those exhibiting moral courage in the selection of research subjects and in the publication of the results thereof.

D. *Mature Scholars*

1. Be influenced as to the subjects selected for research by the findings of research panels and committees.
2. Reëxamine old categories, and utilize concepts from the other social sciences.
3. Cultivate a sense of obligation to the public interest in the selection of subjects for research.
4. Be alert for opportunities to discover significant generalizations.
5. Give full support to the American Association of University Professors in their efforts to promote the combination of secure tenure and academic freedom.

E. *The American Political Science Association* (and/or the Social Science Research Council)

1. Secure funds for subsidizing the publication of scholarly monographs.
2. Sponsor awards or citations for outstanding books or articles.
3. Institute experiments (in collaboration with one or more of the outstanding universities) in facilitating professional contacts for the faculties of the smaller colleges in the area.
4. Sponsor experiments (in collaboration with the National Institute of Public Affairs and/or the Civil Service Commission) in establishment of internships in government for members of college and university faculties.
5. Include in the REVIEW advance notice of significant research projects other than doctoral dissertations. Where feasible, secure the publication either in the REVIEW, in mimeographed form, or otherwise, of interim reports on these research projects.
6. Make the tone of book reviews in the REVIEW more constructively critical and less indiscriminately laudatory.
7. Continue the research panels sponsored by the Association's Research Committee.

F. *Government* (including the Council of State Governments)

1. Exercise leadership in enlisting the coöperation of political scientists in nation-wide group research projects.

2. Extend the practice of allowing its published research to bear the name of the author.
3. Extend the practice of publishing the findings of research.

II. Recommendations as to Questions for Further Investigation

1. From which colleges do the most, and the most successful, graduate students in political science come? What factors are involved?
2. From which graduate schools do those scholars come who produce a major study or a series of fruitful articles subsequent to obtaining their Ph.D.? What factors are involved?
3. As regards research in state universities, what factors lead to adequate or inadequate provision therefor in state appropriations and university policies?
4. What are the actual conditions as to teaching load and salaries in the colleges and universities, and how do these affect research?
5. What significant research projects fail of initiation or completion on account of non-assurance of publication? What completed research projects have failed to find a publisher?

# BOOK REVIEWS AND NOTICES

*The Time for Decision.* By Sumner Welles. (New York: Harper and Brothers. 1944. Pp. vii, 431. $3.00.)

This book should be read by everyone who is concerned about the peace of the world and how such peace is to be attained. It is not only that the book has been written by a former Under-secretary of State, who while in that high office had everything to do with the active planning of a world structure for peace; it is also that the book is at once a survey and a critique of American foreign policy since the last World War, written from the "inside," but without the stuffiness so generally (perhaps wrongly) associated with career officials of the State Department. In eleven chapters, divided into three parts, Mr. Welles develops with vigor the theme suggested by the title—Part I (four chapters) being devoted to an historical survey of the principal events and of the corresponding developments in United States policy between the two wars, Part II (five chapters) dealing with the particular problems arising out of these events, and Part III (two chapters) setting forth in detail Mr. Welles' program for securing something like a permanent peace.

The survey of events, problems, and policies between the two wars is excellently done, in view of its summary character, fair in respect to the shortcomings of other Powers and thoroughly realistic in respect to our own. Mr. Welles does not hesitate to state flatly that "our cardinal error was our refusal to take any part in the League of Nations"; that the Kellogg Pact was positively harmful, since it "stimulated the delusion of a great body of the American people that the mere formulation of a wish is equivalent to positive action" and lulled to sleep any still lurking feeling of national obligation"; that our own government was at least as much to blame as the British for the failure to act in respect to Manchuria, since we were clearly unwilling to engage in either military or economic sanctions; that our sympathy for Ethiopia was "purely platonic," and hence all that the State Department could do was to devise the "moral embargo" and *recommend* to our shippers a reduction of exports to Italy which, if made, could not have affected Italy's power to make war; that "of all our blind isolationist policies, the most disastrous was our attitude on the Spanish civil war." The sketch of the Good Neighbor policy shows Mr. Welles at his best, for in spite of his conspicuous part in the development and execution of that policy, his enthusiasm for it, and his genuine friendliness toward Latin America, he is also completely aware of its limitations in a world where the problem of war and peace must necessarily be handled on a universal basis.

There are, as one might reasonably expect from one with the experience and inside knowledge of Mr. Welles, some interesting revelations. He

tells the story, in considerable detail, of his special mission to Europe in 1940; and what an experience that was, and what a pity that the story could not have been told at once to the American public! He also tells (what had already become known to some few) how he informed the Russian Ambassador in January, 1941, of the impending German attack on Russia. One naturally wonders how much more Mr. Welles might have told if he were not bound by the niceties of his position, as well as by the nature of the events.

Mr. Welles is not among those (now fewer than before, but still too many) who attribute all our present ills to the Treaty of Versailles, but he does think that there were "cardinal errors" in connection with that treaty and especially in its enforcement, or rather the failure of its enforcement. The principal issues of Versailles which bear upon present events, as he sums them up, are three: (1) the League of Nations, which had the "overwhelming support of the people of the United States" in 1918, and which should have been agreed upon *before* the Peace Treaty; (2) the treatment of Germany—the failure to invade and to drive home to the Germans their military defeat, the ineffectiveness of military occupation and control, the lack of real encouragement to the democratic elements, the breakdown of the British-American guarantee of French frontiers; and (3) the Allied attitude toward Russia, which during and after the Peace Conference was treated as a "leper" and "outcast," and ignored in the European and Asiatic readjustments.

The relation of these issues to the present are, as Mr. Welles sees it, about as follows: (1) The United States must now take its full part in a world organization, the nature of which is set forth in detail. The proposals of Mr. Welles are for a system quite similar to the League of Nations, although he would argue a considerably improved and strengthened League; they presumably developed out of Mr. Welles' own experience as the active director of the State Department's group of experts on the subject of international organization; they are now to some extent, although by no means completely, embodied in the Dumbarton Oaks proposals, to which Mr. Welles very promptly gave his warm approval, and it hardly seems necessary therefore to review them further here. (2) With respect to Germany, Welles is strongly for severe treatment. He favors partition into three separate states and argues the case convincingly; he proposes a transfer of German and Polish populations; he wants a genuine and long-continued United Nations occupation. He insists that while the treatment of Germany should be "neither Draconian nor vengeful," it must be such "that the German race cannot again so afflict humanity" as it has done twice within the last quarter of a century. (3) As for Russia, Welles feels strongly that there must not again be a failure to take that country's problems and attitudes into full account, and that, in spite of differences

in ideology, a sympathetic and understanding relationship is completely possible.

Some criticisms might be made of the book, and certainly there will be many differing viewpoints. Polish patriots will not like the suggestion of the Curzon line as the boundary between Poland and Russia; liberals will chafe at Welles' vigorous defense of the policy with respect to Vichy France and Franco Spain, although they will like his castigation of the earlier policy toward Republican Spain; some of us will feel that he is on occasion unfair or inaccurate in his references to League problems, such as minorities and mandates. But all of us should be grateful for this excellent and stimulating contribution from one who knows the ways of diplomacy, especially of American diplomacy, who knows what has been done and has some right to know what should have been done, who knows the obstacles but is willing to deal with them in a realistic manner.

CLARENCE A. BERDAHL.

*University of Illinois.*

*Peace Through Law.* By HANS KELSEN. (Chapel Hill: University of North Carolina Press. 1944. Pp. xii, 155. $2.00.)

*The Strategy of Peace.* By HENRY M. WRISTON. (Boston: World Peace Foundation. 1944. Pp. vii, 159. $1.00.)

At a time when the market for books on how to have permanent peace is apparently inexhaustible, it is doubtless to be expected that many volumes should be published by well-meaning authors who reason from wrong assumptions by way of erroneous logic to irrelevant or dangerous conclusions. In the light of the paper shortage, however—to say nothing of other considerations—it is unfortunate that so distinguished a political scientist as Dr. Kelsen, now of Berkeley, and so able an executive as Dr. Wriston, president of Brown University, should contribute to this particular body of literature. The most charitable comment that can be made on their books is that their intentions are of the best.

Dr. Kelsen is a victim of the delusion that law is the creator, rather than the creation, of society. He therefore proposes to build a world order with the greatest of ease by tinkering with the law. His first sentence—"Peace is a state characterized by the absence of force"—is false. Peace, as he almost concedes a few paragraphs later (without appreciating the significance of the concession), is a state characterized by ubiquitous and omnipotent force in the form of a legalized monopoly of coercive power. All the ingenious and erudite logic which he devotes to his panacea is wasted because his premise is untrue. The panacea is spelled out in the Annexes in a new "Covenant of a Permanent League for the Maintenance of Peace" and "Treaty Stipulations Establishing Individual Responsibility for

Violations of International Law." Its essence is the abolition of the distinction between political and legal disputes, outlawry of war, compulsory jurisdiction by a World Court over all disputes, and trial-and-punishment by an international tribunal of individual officials who unleash war or commit war crimes.

Like Calvin Coolidge's preacher, Dr. Kelsen is against sin. His noble purpose would be equally well served if he said, as do some preachers, that war will be abolished when all men are virtuous and wise. The latter thesis, while equally irrelevant, is at least simpler than that propounded in *Peace Through Law*. Peace is a problem of power. When the problem is solved, law will play its customary and useful rôle within a stable configuration of power relationships. So long as it is unsolved, legalistic formulae will be empty words.

President Wriston also tries his hand, at the close of his volume, at treaty-drafting. His treaty is a peace treaty with Germany, to be signed by Adolph (*sic*) Hitler and the German General Staff. To sign any treaty with any German government will be calamitous. To sign one with the Nazi government will be disastrous. This is only one of many points at which the author goes astray. While Kelsen has a wrong view of the problem of peace, Wriston has no clear view at all. In a vein reminiscent of Hoover and Gibson with their seven (or was it eleven?) "moving forces" in world politics, he avers that peace and war are different not in kind but only in degree, and that it is all a business of (a) reason; (b) culture; (c) emotion; (d) economic activity; and (e) force. What this is supposed to mean is not explained, despite sixty pages devoted to the problem. Seven chapters follow on "American Commitments." Dr. Wriston wants "a return to a passionate faith in reason" and thinks that geopolitics is a bad thing because it conceals "a dangerous political philosophy—power politics." Under these circumstances, it is not strange that his "peace treaty" has nothing to do with the causes of war in general or of this war in particular or of durable peace in particular or in general.

Both of these authors would do well to reread Lewis Carroll. " 'When *I* use a word,' Humpty Dumpty said in a rather scornful tone, 'it means just what I choose it to mean—neither more nor less.' 'The question is,' said Alice, 'whether you *can* make words mean so many different things.' 'The question is,' said Humpty Dumpty, 'which is to be Master—that's all. . . .' "

FREDERICK L. SCHUMAN.

*Williams College.*

*Nationality in History and Politics.* By FREDERICK HERTZ. (New York: Oxford University Press. 1944. Pp. x, 417. $6.50.)

This latest study in its field makes a significant contribution. Nationalism (nationality is the more appropriate term) is plainly a very complex

subject, and the best writers have sometimes been guilty of various kinds of intellectual astigmatism. It is therefore gratifying that Professor Hertz has his material so well in hand, has no major blind spots, and has no subtle, hovering prejudices. His pages abound with pithy sentences and he is to be congratulated on his economy of expression.

The author brings to this "exploratory" analysis a variety of well sharpened tools consisting, among others, of necessary and important psychological and sociological considerations. Chapter I is of noteworthy excellence and sets the tone of the whole study. The approach and framework of definition are convincing because of obviously arising from an awareness of the difficulties, imperfections, and misleading nature of existing terminology as well as an appreciation of the complicated factors involved in nationality.

What are the author's basic postulates? A nation is a people possessing a developed national consciousness. National consciousness is the striving for national personality—for unity, freedom, separateness or originality, and for honor, dignity, and prestige. The expression of these aspirations is subject to historical change; such aspirations may be mutually counteracting, too. The spirit of an age, as well as ideology, has given special meaning to the principles implied in nationality. Hence, national consciousness is fluid. Whether it adds up to nationhood depends upon whether sufficient solidarity and duty to sacrifice particular interests to the national will have become dominant in the people. Furthermore, national consciousness is inseparably connected with objective factors: language, statehood, territory, and civilization. Nationality not merely is a collection of the manifestations of national sentiment, but comprises a whole mentality, a social structure, the aims of groups and classes, and their interrelations. It is not an isolated factor and can be understood only as denoting people bound together by traditions, interests, and ideals within a social and historical framework. Nationalism has been defined so ambiguously that the ideas of Gladstone and Hitler differ only in degree; also, nationalism has more than an aggressive form, and many ideological disguises. But nationality is broader than this: nationalism is a negative aspect of nationality—the destructive striving for superiority and "mental seclusion"; the positive aspect is the striving for solidarity and freedom. It is difficult to assess the strength of either at any one time. One or the other may be dormant. The concept of national character is important in nationality and should be redefined as "national mentality," meaning the totality of traditions, interests, and ideals which actually mold the nation.

The analysis then proceeds (always within the above framework) along conventional lines: the racial, linguistic, religious, and territorial aspects of nationality. Two fine chapters on the national will and the social background of modern nationalism meticulously dissect current illusions and single-factor explanations. The difference between nationalism and mili-

tarism; an examination of the meaning of national will—what it is, what it is not; the different interpretations of nationalism by liberals and democrats, conservatives, socialists, and nationalists; rational, irrational, biological, psychological, and pseudo-intellectual factors in nationalism—these are so incisively thought through that the mixture of truth and untruth is clear. The last chapter is a good summary of the political philosophy of nationality.

The imperfections of this work are minor. There is no full-blown thesis as such; neither is the treatment intended to be definitive. The study surely will take a place beside the studies of Hayes, Kohn, Toynbee, and the Royal Institute, but in a sense it is in a class by itself. Political scientists, philosophers, historians, and sociologists will want the volume handy.

RICHARD C. SNYDER.

*Columbia University.*

*The Battle Against Isolation.* BY WALTER JOHNSON. (Chicago: University of Chicago Press. 1944. Pp. xii, 270. $3.00.)

About a month after Germany began this war, and five days after President Roosevelt asked Congress to repeal the arms embargo so that our present Allies might purchase weapons here for defense against the Nazi attack, a small group of earnest men and women formed the Nonpartisan Committee for Peace through the Revision of the Neutrality Law. In April, 1940, the organization became the Committee to Defend America by Aiding the Allies, and a year later there was also organized the Fight for Freedom Committee. The two committees formally disbanded after Pearl Harbor, but actually were continued in Citizens for Victory and Freedom House, respectively, and now there are still others to carry on the good work of arousing the citizenry to the dangers of isolation, crystallizing opinion in respect to the various aspects of that problem, and bringing pressure upon the government accordingly.

This book, written by one of the younger historians at the University of Chicago, is the story of these committees and the battle they fought, and more particularly the Committee to Defend America, as the principal one of them all. The author has succeeded very well in his avowed attempt to recapture the fervor of the men and women who rose so magnificently to the Nazi challenge, and to whom we probably owe much more than most of us as yet realize. It would be highly appropriate, although space makes it impossible, to name at least the principal leaders; outstanding among them is Clark M. Eichelberger, that indefatigable public servant and skillful organizer, who was the guiding genius of virtually all these committees, and whose satisfaction with his labors must be mounting during these somewhat better days. That there was a genuine popular feeling about Nazism and its danger to us is indicated by the

fact that in less than six months after it was launched, the Committee to Defend America had 750 local chapters and over 10,000 donors contributing from twelve cents to $3,000, or an average of $25 each.

But this book is still more particularly the story of William Allen White (whose biography Mr. Johnson is writing) and his connection with the battle. Good old liberal that he was, White was quick to see the Nazi challenge to decent civilization, ready to join in fighting isolation, and willing therefore to lend his name, as chairman, to the first two of these committees. That was exceptionally important, for he was a Republican, a Midwesterner, and a much respected individual. He was the kind of Republican who was with the Democratic President three and one-half years out of every four, "but in the spring of the presidential year . . . would run back to the Republican party and support it through thick and thin" (p. 34). He was so much of a Republican, in fact, that he even repudiated an effort by his colleagues on the Committee to beat Hamilton Fish in 1940, and wrote that isolationist: "However you and I may disagree about some issues of the campaign, I hope as Republicans we are united in our support of the Republican ticket from top to bottom in every district and every state" (p. 139). It appears that White's chief concern, as also that of some others, was to prevent the Republican party from becoming the party of isolation, if at all possible, for fear of popular reaction to a party with that stigma, but at any rate to be and to vote Republican, willy-nilly. That kind of thing obviously led to strained relations with those on the committees, including numerous Republicans of lesser faith, who felt keenly about Fish and Burton Wheeler and Gerald Nye and isolationism from whatever quarter. White did excellent service in the preliminary stages of the battle, but his retirement in January, 1941, over the "short of war" issue cleared the air and made it possible to face much more frankly the final issues in the struggle.

The opposition committees are not neglected, and the book is a good reminder of what now seems almost fantastic—the curious assortment of isolationist leaders, such as George Sylvester Viereck, Avery Brundage, Verne Marshall, Prescott Dennett, Father Coughlin, Father John O'Brien, Oswald Garrison Villard, John T. Flynn, Harry Elmer Barnes, Senators Wheeler, Nye, and Rush Holt, Charles A. Lindbergh; the arguments, ranging from that of the New York chapter of the America First Committee, as late as September, 1941, that "we have nothing to fear from a Nazi European victory," to Lindbergh's, also in the same September, that "the three most important groups which have been pressing this country toward war are the British, the Jews, and the Roosevelt Administration" (pp. 161–167). It is just as well that these things be not forgotten too soon.

CLARENCE A. BERDAHL.

*University of Illinois.*

*Military Occupation and the Rule of Law.* By Ernst Fraenkel. (New York: Oxford University Press. 1944. Pp. 267. $3.50.)

This timely and interesting discussion of certain aspects of occupational government in the Rhineland from 1918 to 1923, by the author of that valuable study of contemporary Germany, *The Dual State*, is organized about a central problem which is of the most intense interest today: whether the rule of law controls, or should control, a government of military occupation. Dr. Fraenkel defines his problem at the outset by stating that the term "rule of law," as used in the present study, "means that the bearers of public power . . . recognize those formal principles that are indispensable for the protection of the individual from arbitrary interference with his personal integrity"; and that the main concern of the study "is whether a principle that is applicable to national governments, exercising their powers by virtue of national laws, is not also applicable to the régimes of foreign governments that exercise their powers by virtue of international law."

To a nation which anticipates a victory in terms of unconditional surrender, as well as to a nation facing defeat, the question thus raised is in many respects the most important of all questions that can be asked. Specifically, as a democracy fighting a winning war for the preservation of democratic principles and institutions, are we ourselves bound by the rule of law in dealing with a nation that has repudiated it? Such a question is political rather than mathematical in nature, and there is no formula by which it can be answered. Only the objectivity of a political philosopher, and the candor of a historian blessedly removed by time from the emotional impacts of the events which he describes, can furnish or even indicate a solution. Such objectivity and candor make this book memorable.

The method used is partly descriptive, partly analytical, and partly a presentation of specific cases and judicial decisions. The armistice period and the peace period are considered separately. The decisions are those of military, civil, criminal, and administrative courts of several nations. It is particularly interesting to note the way in which various jurisdictions decided similar questions.

In addition to the main problem, the book deals with many others, each of which has, or may have, significance for the immediate future. To cite a single example, a section is given to discussion of the respective powers of the military police and of the German police over residents of the occupied territory. Here, as elsewhere, a sane and balanced conclusion is reached: "A reliance solely on the police of the occupied country, in occupation cases concerning its own nationals, cannot seem sound even to that country. . . . No legalistic sleight-of-hand can minimize the fact, however, that the exercise of practically unlimited powers by the military

police was entirely contrary to what the framers of the Rhineland Agreement had in mind when they formulated that document."

Each of the specific topics treated is studied in such a way that it contributes to the solution of the central problem. Mistakes and blunders made by all sides are discussed in a spirit of frankness.

This review cannot do justice to the masterly fashion in which the vast amount of often conflicting evidence is examined and interpreted, so that it furnishes a strong factual basis for the conclusions. Like the book as a whole, the conclusions are carefully thought out and thoroughly balanced. A sample sentence or two may be given: "The rule of law in a democratic state is based upon the consent of the citizens. In an occupied territory, public power is enforced upon the residents regardless of their inner feelings. . . . So long as the exceptional character of . . . political deviations from legal principles is recognized, the occupation régime need not lose its character as a legal institution. It is when the bearer of political power looks upon legal regulations merely as rules of expediency, valid only by sufferance, that the supremacy of law is replaced by the supremacy of force."

The author maintains that the occupant should always be bound by the rule of law in the politically possible sense which he describes, and should make every effort to extend the operation of the rule of law in the full sense. Such extension (to pass from theory to the condition that confronts the world) must run parallel with the development of free institutions in Germany—a development which the occupant should encourage.

A brilliant style, and a power of ordering and clarifying complex ideas by means of a single sparkling sentence, add to the reader's pleasure. The book as a whole is a valuable aid in sound thinking upon a subject where thought is indispensable, unless the mistakes of the past are to return like ghosts to haunt the future.

MIRIAM E. OATMAN.

*Foreign Economic Administration.*

*Civil Aviation and Peace.* By J. PARKER VAN ZANDT. (Washington: The Brookings Institution. 1944. Pp. 157. $1.00.)

*Government Policy Toward Commercial Aviation.* By GILBERT GOODMAN. (New York: King's Crown Press. 1944. Pp. 122. $1.60.)

The literature of aviation has not kept pace with the expansion of the industry. Recent years have seen an increasing output of technical books approaching the subject from the viewpoint of the engineer or the operator, but few discuss the important questions of public policy involved. Claude Puffer's *Air Transportation* (1941) is a text emphasizing the provisions of the Civil Aëronautics Act of 1938 and its administration. John

Frederick's *Commercial Air Transportation* (1942) is a general text on the economics of the industry. There are studies on selected legal problems or on airports. Matthew Josephson's *Empire of the Air* (1944) is a social biography of Juan Trippe and Pan-American. Along with this may be mentioned Freudenthal's *The Aviation Business* (1940) and Smith's *Airways* (1942). Three doctoral dissertations examine our air-mail subsidy policy. To this short list Dr. Van Zandt's series of volumes on "America Faces the Air Age," of which *Civil Aviation and Peace* is Volume II, is a welcome addition.

It is not, however, its scarcity value which makes this book so attractive. Dr. Van Zandt has a thorough familiarity with aviation and a very readable style. The subject of this brief volume is the control of international air transport, and the substance of it is a persuasive argument against any limitation or economic restriction. He points out that all civil aviation—pilots, airways, private planes, mechanics, airports, manufacturing facilities, research—forms a part of the nation's military potential. Of this total, scheduled commercial lines form a small and decreasing part. International service is in turn a minor fraction of commercial aviation, in planes, personnel, miles flown. Effective control of aviation as a war potential would require international restriction and supervision of all military and private flying, of airports, research, and manufacturing. Dr. Van Zandt believes such control would be impossible among friendly powers. Even if it were desirable, the United States for one would not tolerate international control of that sort. Failing such complete supervision of all aviation, arguments for restriction of international transport alone on the basis of military security are specious. The real justification, if any, for such proposals is commercial, the desire of the "ins" to maintain their quasi-monopolies or of the "outs" to get in without facing competition.

In place of restriction, the author proposes a policy of maximum use. At fares as low as three cents a mile, he forsees a tremendous growth in foreign travel by Americans. Not merely will this be a boon to aviation, but the money spent abroad will furnish credits for the purchase of American goods and help maintain a balanced international economy. The next volume in the series will discuss positive proposals to bring this about.

Professor Goodman's book, apparently completed in 1940 and issued without revision, is a defense of the policy of the postmasters-general, especially between 1930 and 1934, of stretching their legal authority to the utmost to bring about consolidation of airlines. This direct defiance of the intent of Congress to compel competition Mr. Goodman believes justified by the economics of an infant industry. On the period prior to 1934, the book adds little to David's *The Economics of Air Mail Trans-*

*portation* (1934). For the period since 1934, Spencer's *Air Mail Payment and the Government* (1941) is both more complete and more recently written.

DAVID O. WALTER.

*Duke University.*

*The Public Power Industry and the Public Interest.* EDITED BY EDWARD E. HUNT. (New York: The Twentieth Century Fund. 1944. Pp. xiv, 261. $1.00.)

This volume is a product of the usual method of the Twentieth Century Fund. A committee is selected to take charge of an inquiry; a special research staff is created to conduct the inquiry and report to the committee; and a program is then sponsored by the committee. In the present case, the committee was appointed in 1938, and the factual findings of the research staff were finally completed in 1943, although "much of the material was prepared in 1941 and in consequence the text does not reflect some of the developments in the power situation since that date." The materials of the research staff have, however, been revised to incorporate many important changes since 1941. The present volume does not present the full findings of the research staff, Mr. Hunt having condensed these into a much shorter book. In addition to the findings, the volume contains the full text of the committee's conclusions and recommendations. The responsibility for the latter is with the committee and not with Mr. Hunt or the research staff. The Fund intends to publish the full text of the findings when the present paper shortage has become an historical rather than a current fact.

Some four-fifths of the study is devoted to a summary of the findings of the research staff. In this portion, the usual problems of the electric power industry are surveyed and judgments are entered at many points. Sampling has been used at times; many of the regulating authorities have been interviewed; policies of the regulatory agencies have been assayed and their shortcomings indicated; omissions on the part of these same agencies have been related; the variations in legal authority have been recounted; and the commission's means of meeting the problems raised by Smyth v. Ames are summarized. Nor has the potentiality of differences between the SEC, the FPC, and the state commissions been avoided. Indeed this aspect of the problem has been subjected to searching analysis, and some fundamental issues are posed. One general conclusion merits quotation: "It is clear that state regulation has not seriously impeded the development of the power industry, although it may have failed adequately to protect consumers and investors. There is considerable truth in the saying that 'regulation has not failed because it has not been tried,' even though it overlooks notable efforts by a few state commissions."

So much for regulation. The study includes also an examination into public ownership and related public activities. Municipal ownership, rural electrification, federal and state water-power projects, and the TVA all come in for a chapter, and careful effort is made to attain objectivity. At times this effort becomes almost unfair to public projects, by means of explaining away their substantial accomplishments. The research staff may or may not have intended this result, but it would seem that James C. Bonbright's footnote (p. 224) is justifiable: "The statistical data, not only of our research staff, but also of the Federal Power Commission, seem to me to make a prima facie showing of superior performance by the larger publicly-owned plants."

The report of the committee evinces considerable concern over the position of investors in electrical utilities, over the expansion of national authority, and over the inadequacy of much state regulation, and makes suggestions consistent with these fears. Little can be said in objection to the suggestions, since they are mainly for study and reflection. Professor Bonbright has indicated his disagreement in appropriate footnotes. In short, the study can be commended as a serious effort to grapple with a matter that is of considerable import to almost everybody. It provides a convenient summary of data on almost all aspects of the problem.

CHARLES B. HAGAN.

*University of Illinois.*

*The T.V.A.: Lessons for International Application.* By HERMAN FINER. (Montreal, Canada: International Labour Office. 1944. Pp. ii, 289. $2.00.)

The development and utilization of the Tennessee Valley Authority is based upon the concept of managing a nation's economic and physical resources by public enterprise on a vast scale, deliberately undertaken with specific social purposes established from the first planning stage. The enormous enterprise, public in ownership and management, was charged with the responsibility of building and operating an integrated system which would elevate the entire cultural configuration of a capable people living in an area of underdeveloped or undeveloped natural and human resources. The aim from the beginning was the comprehensive promotion of all of the resources of the Valley in all of their interrelationships, each part and purpose to be utilized in correlation with all other parts and purposes.

Anticipatory judgment concerning the problems of post-war days has conceived the idea that there may be numerous regions in other parts of the world wherein underdeveloped economies would make it wise to locate "T.V.A.'s," aided perhaps by a public international agency. What

lessons, then, can be learned from the Tennessee Valley Authority, and under what conditions and with what modifications may its experience be applicable in an international setting? To this problem the author of this excellent volume addresses himself.

Professor Finer's systematic treatise is organized so as to give consideration to these broad areas: (1) the problems faced by T.V.A. in the developmental stages, from the forces leading to the establishment of the Authority to the problems of malaria control and relocation of families; (2) the characteristic methods of operation and the most significant administrative features; (3) indices of progress made by the Authority; and (4) the Tennessee Valley Authority as a model for an international agency seeking to assist the development of underdeveloped regions.

Almost one-half of the textual material of the volume is devoted to a detailed inventory of what T.V.A. is and how it developed. The author concludes that "at the present stage of the T.V.A.'s work of fostering economic welfare, the results may be considered beneficial to the community as a whole, for it has concerned itself not with competition with the production of other regions of the United States, but only with increasing the welfare of the Valley's inhabitants" (p. 93). As to methods of operation, Professor Finer concludes that no private enterprise, nor even a federation of private ventures, could have covered such a diversity of operations, in sympathy with the established aims. Nor does he believe private enterprise could have found or risked the capital involved. (The Authority has received no less than 600 million dollars for its unified plan of works, the execution of which "required a decade or more of continuous integrated building to yield the amplest economic return of which technology was capable.") The most significant administrative features of the Authority are considered to be (1) the corporate form of the Authority, (2) its democratic and contractual collaboration with existing public agencies and the people in the Valley, (3) its regional area of responsibility, (4) its integrated resource development—its multi-purpose character, and (5) its method of procedure by technical assistance and education.

Recognizing the measurable and immeasurable gains of T.V.A., its limitations and potentialities, the author feels that the Authority has been a notable experimental model, and has served to help distinguish many of the problems that will face an international agency seeking to assist underdeveloped areas in their self-improvement. But Professor Finer is convinced that "the T.V.A. is not transplantable without reservations and qualifications; its characteristics merely help to bring out the problems and to suggest alternative solutions." Among the many problems to be faced and resolved in establishing international works developments will be (1) choosing among the thousands of resources calling for development; (2) using the character of the chosen resource as the key to

the character of the organization; (3) making adjustments, political and economic, between the interests of the lending and the recipient countries; (4) determining when and where single-purpose versus multi-purpose development of resources is wise; (5) carefully defining activity and authority relationships between the international agency and the local institutions; and (6) collaborating with other international economic agencies. The experience of T.V.A., the author believes, will be of inestimable value in facing each of these problems.

The volume constitutes a valuable contribution to literature in the fields of public administration, economics, and international affairs.

CATHERYN SECKLER-HUDSON.

*The American University.*

*The Elements of Administration.* BY L. URWICK. (New York: Harper and Brothers. 1944. Pp. xi, 118. $2.00.)

This book is appropriately entitled "The Elements of Administration" because it brings together the general administrative theories of several outstanding writers in the field of scientific management. Although there is an occasional reference to others, Mr. Urwick is concerned primarily with comparing the principles of Henri Fayol, Frederick W. Taylor, Mooney and Reiley, and Mary Parker Follett. To these he adds his own analyses, to buttress and supplement their thinking. He succeeds well, partly because of several good block figures which he has prepared, setting forth the logical flow of one principle into another. An equally successful device is a ten-page summary of the principal points with which he has dealt, in which the appropriate quotations are placed in juxtaposition. Here he includes Graicunas' analysis of the span of control as well as his own principles of direction and control.

The author argues that the principles of administration are so important in our technological civilization that, when violated, the most tragic consequences may result. He refers to the influence of natural law and to the effect of management principles upon a standard of ethics and morals, particularly within institutional settings, as contrasted with individual relationships. In so far as he argues a thesis, it is that although the art of administration is still "barely adolescent," the principles of administration are already at hand and need only to be refined and applied. This is summarized in the statement: "The fact that these principles, collected from the writings of half a dozen different people, many of whom made no attempt to correlate their work with that of others, can be presented in a coherent and logical pattern is in itself strong evidence that there is a common element in all experience of the conduct of social groups, that a true science of administration is ultimately possible."

Of special interest to political scientists is the author's admonition against "personalities or politics or a precarious balancing of power between various vested interests." But perhaps he claims too much when he holds that consistency and integrity in the application of the principles enunciated will permit civilization to correct the divergences of attitude of which the present world war is a symptom. The political theorist will also note the statement that "administration and organization cannot be more than means to ends," and the claim that they are the basis of a new code of institutional ethics and morality.

Urwick demonstrates the high coincidence in the analyses and formulated principles of authors who worked independently. In general, he is convincing, although one wonders whether shorthand expressions frequently used by writers such as Henri Fayol are as self-evident and precise as suggested. This danger is inherent in systematic methodology, but can do no permanent harm if the attempted parallelisms are continuously reëxamined.

The author is to be congratulated on his insights and pithy statements. The book is perhaps the best systematic presentation of scientific principles of administration in brief compass which has yet appeared.

MARSHALL E. DIMOCK.

*Northwestern University.*

*Bureaucracy.* By LUDWIG VON MISES. (New Haven: Yale University Press. 1944. Pp. viii, 125. $2.00.)

*The Bureaucrat.* By JOHN H. CRIDER. (Philadelphia: J. B. Lippincott Company. 1944. Pp. 373. $2.75.)

These two authors deal, in different fashions, with the potential menace of "bureaucracy" to democratic institutions, particularly in the United States. Mr. John H. Crider argues that the administrative machine built up under emergency powers becomes a vested interest impossible to dislodge, and interprets the growth of federal regulation as a result primarily of bureaucratic imperialism. Dr. Ludwig von Mises, in the shorter yet more substantial of the two books, asserts that bureaucracy is merely the symptom of a greater evil—the trend toward replacing free enterprise with government control of economic life. Each author in his own way has written for the general rather than the technical reader: Mises by reducing economic theory to non-technical language, Crider by the use of anecdote and a free-and-easy style which often becomes discursive.

Mr. Crider describes the bureaucrat as "more concerned with solidifying his position and extending his authority than in performing a public service" (p. 39), and makes the first section of his book a "natural history" which is amusing but not as revealing as recent biographical studies of the

British and American administrator. His second section describes the wartime bureaucracy which he has known at first hand as a Washington journalist, setting forth the evolution of policy in OPA, WPB, and the Food Administration with vigor, accuracy, and the insight which comes from close personal acquaintance with the men who framed and executed these policies.

In the last half of his book, Mr. Crider tries to show how bureaucracy solidifies its hold and turns into totalitarianism. Here he confronts the reader with an undigested assortment of data about government publicity, federal-state relations, administrative adjudication, public finance, principles of personnel administration, and the uses of the government corporation. The effect is that of an industrious undergraduate who hopes that sheer mass will make a good bluebook. Mr. Crider fears the bureaucrat, but does not succeed in identifying or explaining him as a menace.

Dr. von Mises sets up the narrow assumptions of classical economics and cuts his argument to fit them with impeccable logic. He makes an oblique defense of *laissez-faire* by setting forth the disadvantages of bureaucratic management, which he defines as "the method applied in the conduct of administrative affairs the result of which has no cash value on the market" (p. 47). Only an organization operating under the profit motive, completely unassisted and unfettered by government action, can be truly efficient, versatile, innovative, and adaptable to the wishes of the public. Even in wartime, he argues, the market system need not be abandoned, provided only that all of the money needed for war purposes is collected from the public by borrowing and taxation. "The manufacturers, precisely because they are driven by the profit motive, would have discontinued producing civilian goods and would have shifted to the production of those goods which the government, now by virtue of the inflow of taxes the biggest buyer on the market, would be ready to buy" (p. 30). Mises sees no need for public control even of utilities, and goes so far as to assert that a railroad with a monopoly of transportation between two cities would keep rates low and service adequate with no other stimulus than the profit motive. Where private business shows signs of bureaucratic rigidity, this is due entirely to goverment interference.

Dr. von Mises bases his generalizations about bureaucratic personnel management mainly on experience in continental Europe. He believes that public employment carries excessive prestige value, ignoring the possibility that, in the United States at least, there is a more serious problem of attracting talent to public service and holding it there in competition with better-paying jobs in industry. The problem of establishing standards of performance in public administration is dismissed with the assertion that it is impossible to formulate criteria of efficiency, since the objectives of public administration cannot be measured in money terms.

The strongest sections of Mises' book are his defense of the profit system as a superior method of allocating the factors of production, and his brief description of the rigidly integrated European bureaucracies. Its great weakness lies in its application of theoretical conclusions to practical affairs without any warning that these conclusions were derived on a highly abstract basis. An example is his treatment of unemployment. Mises believes that an electorate or a government well grounded in economic theory will realize that "in an unhampered labor market, manipulated neither by labor-union pressure nor by government-fixed minimum wage rates, unemployment affects only small groups for a short time. Under free capitalism, unemployment is a comparatively unimportant temporary phenomenon. . . . At the wage rates established in a free labor market, everyone eager to earn wages finally gets a job" (p. 112). The author, as an economist exploring a hypothetical argument, is entitled to assume that while wage rates are going down all other elements of the economy will remain stable. The realism of this assumption, however, is questionable. And even if a policy of forcing down wage rates would work itself out in ten or twenty years, such a policy would never be permitted to run its course.

Dr. von Mises sees no possibility of compromise between his conception of a free market society and totally regimented socialism, labelling all attempts to find a middle road as conscious or unconscious steps toward dictatorship. He has written an economist's brief against planning, without serious consideration of administrative and political problems.

MARY T. REYNOLDS.

*Baltimore, Md.*

*Legal Control of the Press.* By FRANK THAYER. (Chicago: The Foundation Press. 1944. Pp. xiii, 608. $4.50.)

The author of this work is a professor of journalism and a lawyer. He has, moreover, salted his learning with practical experience in the editorial rooms of more than one newspaper. The book reflects this background: it is meant to be at once a textbook for students, a guide for journalists, and a reference work for lawyers. The first and last objectives are brilliantly met; but for newspaper-men its usefulness is restricted. The qualities which make it stand out as a book of law—its extreme conciseness and the technical character of its vocabulary, its sensitiveness to the cases, and its familiarity with judicial fictions—these qualities usually bring something less than assurance to minds not grooved in the channels of legal logic.

The backbone of the book is an analysis of the hazards lurking in the laws of libel. To this subject, seven chapters are given out of the fifteen comprising the book. Of these chapters, three define the offense as nearly

as may be done; three are devoted to justification and defense; and one to the trial of the issue. It is in this field, of course, that publishers are most open to attack. There is also a chapter each on contempt of court, the copyright, and the regulation of advertising. There is one also out of the beaten path on the development of privacy as a personal right within range of judicial protection. The author shows throughout really fine craftsmanship. Complex material has been handled with clarity and skill.

With the possible exception of the chapter on privacy, all of this is stock matter, albeit unusually well handled. There are, however, four preliminary chapters which lift the book out of the class of conventional legal texts. They are so designed as to make a framework within which the body of the law of the press is to be placed. They outline the fundamental principles of the common law to which legal controls must conform. The first two chapters are historical in character and present certain milestones in the struggle of government to restrain the press. The second two chapters, taken together, distinguish the rights and duties of a newspaper as an organ of expression from the rights and duties of a newspaper as a business enterprise.

In the opinion of this reviewer, the historical chapters do not quite make their point. The author has built the structure of his textbook on the digest or syllabus style, so that it has some of the attributes of a small *corpus juris*. While this method of presentation is both suggestive and effective for the analysis of the body of press law, it is too rigid a form for historical exposition. The effect on the reader is that of an arrangement of more or less unrelated exhibits with labels attached. Furthermore, the author is forced into dogma on questions that are debatable, because he has not space in which to qualify his statements. Indeed, this difficulty occurs throughout the book when the author feels the desirability of introducing theoretical comments. For example, in the chapter on privacy, it is said that "each individual . . . is . . . a member of a social unit, political in nature, and termed the government" (p. 380). For social scientists these words carry technical meanings; they could not be put together in this sequence. Again, to take an example of a different kind, he criticizes Blackstone on the freedom of the press (p. 71) for taking a position which it may fairly be denied that he took.

The other brace of chapters—those on the right to publish news and opinions and the right to engage in a business enterprise—cut new ground for texts on this subject. They throw illumination—to change the metaphor—over much foggy thinking on the part both of the lay public and of governmental officials. They also reveal the fact that the courts have not themselves drawn this distinction with the clarity that should be expected in the application of legal controls. The author has perhaps a tendency to stress *dicta* in the cases in preference to the issue before the

court. A reviewer can do no more than make the comment, for it is the prerogative of a lawyer-writer to use the cases as he sees fit. In this text, cases are used primarily as illustrative material. For the expression of a trend or a point of view, it is often necessary to rely on *dicta* at the expense of the judgment. Nevertheless, the very thoroughness with which the cases are piled up makes it difficult to cite them with precision for specific decisions on points of law.

The book as a whole is so workable that the spots of obscurity indicated here do not impair its value to the profession.

PERCY T. FENN, JR.

*Oberlin College.*

*Prejudice; Japanese-Americans: Symbol of Racial Intolerance.* BY CAREY MCWILLIAMS. (Boston: Little, Brown and Company. 1944. Pp. 337. $3.00.)

Since December 7, 1941, there has been much discussion in the United States of how we may win the peace after we have won the war. The conduct of war, however, usually involves acts and attitudes which complicate seriously, if they do not destroy, the possibilities of winning the peace. It is with acts and attitudes of this kind that this book deals.

In the early months of 1942, a presidential order, later approved by act of Congress, authorized removing from their homes a group of American citizens, not accused of crime, but all of whom were of a common alien and racial ancestry. These American citizens were a part of some 100,000 persons of Japanese ancestry or birth residing on the Pacific Coast, who were placed under guard in what were known as relocation centers, a term somewhat less offensive than "concentration camp." This was the first time in its history that the government of the United States had authorized an act of this particular kind. Certainly the constitutional rights of citizens were involved. However, the presidential order was based on the plea of military necessity, and it has been assumed generally that this plea was valid. It is Mr. McWilliams' thesis that the relocation of American citizens of Japanese ancestry did not spring from any proved or reasonable grounds of military necessity, but rather that the war provided the occasion on the Pacific Coast for a reawakening of deeply rooted racial prejudice—a kind of prejudice which forms one of the most perplexing chapters in the history of that America which has thought of itself as free and democratic.

Mr. McWilliams, long a champion of minorities and recently California commissioner of immigration and housing, has enjoyed exceptional opportunities for knowing his subject. While he admits that we are too close to the events to know the entire story or to evaluate it with finality, he

has, nevertheless, assembled an impressive case filled with explosive evidence. For the situation which has prevailed on the Pacific Coast, he holds two groups responsible: first, a particular genus of California politician who has fed on Oriental prejudice since the early days of Chinese immigration in the nineteenth century; and second, the Japanese warlords who persistently used anti-Japanese agitation in California to condition the Japanese public for military excursions on the Asiatic continent.

In organizing his subject, Mr. McWilliams has followed a very understandable pattern. After a brief introduction which sets the stage for the relocation movement, there follows a substantial treatment of historical background which the author calls "The California-Japanese War, 1900–1941." Subsequent chapters deal with the prewar status of the Japanese on the Pacific Coast; the exodus under the relocation order; problems involved in relocation and segregation; the campaigns out of which prejudice was created; and finally suggestions as to future policies.

Although Mr. McWilliams believes that the American attitudes which forced relocation pose grave problems for the future, he is hopeful that relocation and ultimate resettlement of Japanese-Americans may lessen some of the tensions and create a sane attitude toward those citizens whose only crime is that they were born of Japanese parents. Based on sound and careful research and documented thoroughly, this book deserves a wide reading by the general public as well as by students of history, politics, and government; for the problem exposed concerns itself not only with American citizens of Japanese ancestry, but also by implication with the larger future of American relations with the Chinese and other Oriental peoples who are our present allies.

PAUL H. CLYDE.

*Duke University.*

*Essentials of Parliamentary Procedure.* By ZOE STEEN MOORE AND JOHN B. MOORE. (New York: Harper and Brothers. 1944. Pp. x, 221. $2.50.)

This little book will fulfil its purpose. It is intended to be of help to laymen who find themselves, often on short notice, called upon to preside over meetings and keep business moving in an orderly manner. It will be of particular value to women, who are nowadays so frequently required to decide, from the chair, what should be done when somebody proposes to amend an amendment or starts to argue against a motion to adjourn.

The arrangement of the book is somewhat novel, but it is well adapted to what the authors set out to do. They begin with the simpler problems of procedures and explain these in the order in which a chairman is likely to be confronted with them in actual meetings. Anyone who masters the first forty or fifty pages of the book will have little difficulty in guiding the deliberations of any ordinary gathering, even when three or four

people try to use the floor at once. In these initial chapters the authors have shown considerable skill in getting rid of everything but the "essentials" and then explaining these in untechnical language.

But not all parliamentary procedure is simple; so several chapters of the book are devoted to an elucidation of the more complicated matters on which a chairman has to rule. These include such things as going into committee of the whole, and coming out of it, limiting debate, points of order, expunging the record, privileged motions, and so on. A helpful feature in this connection is the series of charts which the authors have provided as a means of answering detailed questions more quickly and more explicitly than could be done by explanations in the text.

A considerable portion of the book is devoted to matters which are not usually regarded as coming within the range of parliamentary procedure but are none the less of self-evident importance if the business of any organization is to be properly conducted. There is a good chapter, for example, on "The Secretary and His Work," with helpful hints on how to prepare the agenda for meetings, what to put in the minutes and what to leave out, how to make corrections in them, and a lot of other things which any novice in the secretary's job would find it both easy and profitable to learn. One regrets that there are no similar hints on how to prepare and present a treasurer's report—a job which in many organizations is more ineptly done than anything else. The average chairman, too, would do well to heed the page of admonition which the authors address to him concerning the introduction of guest speakers. All in all, this little volume will prove of value both to those who already know something about the subject and those who do not.

WILLIAM B. MUNRO.

*Pasadena, California.*

*Production, Jobs, and Taxes.* By HAROLD M. GROVES. (New York: McGraw-Hill Book Company. 1944. Pp. xv, 116. $1.25.)

*Curbing Inflation Through Taxation; Symposium.* (New York: Tax Institute, Inc., 1944. Pp. ix, 186. $2.50.)

These books are supplementary studies of postwar tax policy. The first is concerned with the effects of taxes upon production and employment, the second with the effects of taxes on prices. The former assumes that after the cessation of hostilities tax reduction must be expected; the latter assumes that because of latent possibilities of inflation, it may be necessary to increase certain anti-inflationary taxes.

With the coöperation of the Research Staff of the Committee for Economic Development, Professor Groves presents a concise preliminary analysis of fourteen postwar tax problems of deepest concern to business leaders interested in public welfare. Assuming a high level of national

income, nevertheless fearing postwar unemployment, the report delves into the complicated problem of taxation and the encouragement of private initiative, concluding that tax reduction will mean higher profit and therefore greater employment. Accordingly, the report recommends integration of corporate and personal income taxes; repeal of the excess profits tax; repeal of the capital stock and declared-value excess profits taxes; more generous treatment of capital gains and losses, depreciation, and obsolescence. The personal income tax with a broad base, low exemptions, improved administration, simplification, substantial reduction in surtax rates, elimination of tax-exempt securities, classification of income, and mitigation of discrimination against irregular incomes are recommended. The report favors the integration of the estate and gift taxes, special consideration for those industries confronting reconversion, and reduction of excise and consumption taxes, and it opposes the general retail sales tax.

This preliminary report glosses over certain difficulties that a congressman must confront when it comes to tax reduction, and that is, how to retire the national debt and at the same time reduce taxes. Very little comfort is afforded the citizen harassed by the debt outlook. By ignoring the distinction between personal ability to pay and corporate capacity to pay, this report fails to come to grips with a realistic corporate tax policy. Recommending that as much as fifty per cent of postwar national revenues be procured through the personal income tax, the report definitely ties the Treasury to the whims of the business cycle, optimistically assuming a high level of national income. Nevertheless, this study takes foremost rank among the many postwar tax plans being issued and must be compared favorably with similar recommendations offered by the Twin Cities Research Bureau, the Railroad Committee, the Brookings Institution, the National Planning Association, the Controllers Institute of America, as well as special reports by leading scholars in the field of public finance. All these reports have one common defect; they ignore the tax recommendations made by labor leaders and trade union economists, who favor heavy corporate taxation. It is to be hoped that the final report will iron out some of the shortcomings of the preliminary report.

*Curbing Inflation Through Taxation* presents the papers offered at a symposium conducted by the Tax Institute. Four papers deal briefly with the earmarks of inflation found in consumer buying, land booms, increasing money in circulation, and bank deposits, but they contain little helpful information on inflation control by taxation. Two papers treat analytically and constructively the problems of national debt management. Six papers are devoted to an analysis of fiscal devices for curbing inflation: the federal sales tax, spending tax, individual income tax, forced loans, and social security taxes. With the exception of the paper opposing the use of the federal sales tax as an anti-inflationary measure,

which smacks more of propaganda and relies too heavily upon the biassed materials presented before the Ways and Means Committee in 1943, these papers constitute distinct contributions to the central problem.

Four papers present an interesting discussion of the experience of Russia, Italy, Canada, and England in curbing inflation through the use of fiscal devices. Two papers explore realistically the potentialities of postwar inflation and the use of tax incentives to induce expansion of industry. A brief bibliography adds to the value of the book.

To the reader is left the task of integrating the various effects of the separate taxes into a composite tax control of prices. Throughout the book insufficient attention has been given to the reduction of governmental expenditures as a method of checking inflation. Fiscal management of the proceeds of taxation has not received adequate consideration. The Committee for Economic Development anticipates tax reduction when the war ends; the contributors to the symposium of the Tax Institute, being more fearful of postwar inflation, fail to confront this viewpoint adequately, while the Groves report fails, in turn, to give sufficient consideration to the potentialities of inflation. Nevertheless, these two timely publications merit the thoughtful attention of all earnest citizens interested in maintaining the future economic foundations of government.

ERNEST H. HAHNE.

*Northwestern University.*

*World Economic Development.* By EUGENE STALEY. (Montreal: International Labour Office. 1944. Pp. vi, 218. $1.75.)

As the postwar period begins to loom large ahead of us, the rebuilding of a prosperous and growing world economy becomes a matter of immediate concern. Policies, the effect of which would be to promote a healthy economic intercourse between the various countries, cannot be improvised. Commercial, financial, and monetary considerations must be carefully weighed and so matched as to produce a framework within which trade between nations could grow. The United Nations Financial and Monetary Conference of Bretton Woods was seized with two aspects of this great problem, the monetary and the financial. The commercial aspect has yet to be dealt with.

Professor Staley's book is primarily concerned with the development of "backward" areas; it fits, therefore, into the field in which the projected Bank for Reconstruction and Development is to operate. This is a thoughtful and thought-provoking volume. In addition to a lengthy introduction, it falls into two major parts, dealing respectively with "Effects Arising Out of International Investment for Developmental Purposes" and "Long-Range Effects Resulting from Shifts in Production, Consumption, and Trade." The economic growth of undeveloped countries provides ad-

vantages not only to those countries themselves, but also to the industrially advanced countries which give them credits and provide them with equipment. This is generally recognized, and that thought underlies Professor Staley's analysis. His analysis is conducted with the full equipment of modern economics and illustrates this broad thesis with many specific development plans of individual countries. In order to achieve the best coördination and the greatest efficiency of development projects, Professor Staley emphasizes the need for a multilateral as against a bilateral approach and suggests the establishment of a "multilateral" agency to organize international investments. Whereas the agency is to be intergovernmental, the author believes that its program would encourage private enterprises from all over the world to participate, with confidence, in particular projects for development. This is an important matter, and it is a pity that it has not received more extensive treatment in this monograph.

International investments may, and frequently do, result in political conflicts and difficulties. Dr. Staley suggests that "an international authority is needed in order to keep the political conflicts, which often develop around international investments, at a minimum" (p. 86). It may be that in his discussion of this very crucial question, the author is overly confident that the establishment of an agency will solve the great difficulties that will have to be faced in a world dominated by the political aspirations of great powers and by the intense nationalism of all countries. He says: "denationalism or multi-nationalism of developmental investment can be accomplished through the medium of a supra-national agency equipped to provide capital without political strings attached" (p. 87). Can it? It seems to this reviewer that the author is too prone to skip over a really complex problem with a reassuring phrase like the one just quoted. We shall have to do a lot of less optimistic thinking in order to get really workable solutions to the difficult problems that are ahead of us.

The foregoing comments apply also to the problem of repayment of international loans. We find a brief discussion of that question on pages 46–48 and 109, but the scope of the discussion is sadly inadequate. We must face the fact that there will be no sound international lending unless we can give the lender reasonable assurances that the economic development of the countries which benefit from the investment loans will be favorable to the production of goods for which there is a world demand. Then, there is the problem of import policy on the part of the creditor nations, and the rôle of free enterprise in creating new channels of trade and new markets for products which may hitherto have played a small part in international trade. There is much more to be said on all of these questions than the observations we find in Professor Staley's volume. In

general, there is much need, nowadays, to face squarely the obstacles to international economic collaboration rather than to minimize them. These obstacles may rise in the most unexpected quarters. For instance, whereas Professor Staley makes occasional references to "full employment" policies, he fails to emphasize dangers which may result from such policies, should they be practiced in a nationalistic spirit. Now, that danger is very considerable, because advocates of "full employment" policies have a tendency to think in terms of the domestic market alone and to view international trade as a secondary consideration. It would have been very welcome in a volume such as this to have an entire section devoted to international aspects of "full employment" policies.

A book of this type should be very widely read at the present time; it is to be regretted, therefore, that its style is often heavy and cumbersome, so that few non-specialists are likely to take the trouble of going through its two hundred pages. There is no reason why serious books on economics should be written in a forbidding style. Professor Staley's past record in that respect is so good that the stylistic appearance of his new book must, undoubtedly, be attributed to the fact that he has been away on a mission in China while the editing of the book was in its finishing stages.

None of the foregoing criticisms or suggestions is intended to disparage the great value of this book. It is, at this time, the only volume in existence which treats comprehensively the problem of economic development, one of the crucial issues which will confront us in the months and years to come. The reviewer commends it very warmly to the academic reader as well as to the business reader, to the scholar as well as to the civil servant.

MICHAEL A. HEILPERIN.

*Hamilton College.*

*Price-Making in a Democracy.* By EDWIN G. NOURSE. (Washington, D. C.: The Brookings Institution. 1944. Pp. x, 541. $3.50.)

The economic system of private capitalism, based on free enterprise and on the operation of a freely functioning network of markets, is faced in our times with serious challenges. Its connection with the democratic forms of political organization is being explored and given much attention. The alternative to that system is offered in the various proposals for a planned, collectivist economic society. But is such a society compatible with democracy? Professor Hayek shows, in a recent book, how such planning constitutes, in his opinion, a *Road to Serfdom.* The present reviewer not only agrees with it, but has said so himself in print. This viewpoint makes it an urgent task for those who share in it to explore the operation of a free-enterprise economy and of the ways in which the pressing problems of modern society can be solved within its framework. The price mechanism

is the main activating motor of a free economy, and it is therefore good that its operation be subjected to a searching scrutiny. This is the reason for the particular importance of Dr. Nourse's book and for its interest not only to economists but also to political scientists and men in practical life.

The book falls into three parts, entitled *Principles*, *Problems*, and *Prospects*, respectively. The first part deals with the basic operating features of a free enterprise system. The discussion of profits and of the "profit motive" occupies a rather central position in the treatment, whereas its upshot is the advocacy by Dr. Nourse of what he calls a "low-price policy." The second part of the book, which occupies 200 pages, deals with applications of that policy in the fields of producers' goods, consumers' goods, distribution costs, wages, etc., arriving at the end at a consideration of "Basic Criteria of Price Policy." The last part deals with problems of the future, and especially with the author's modernized version of "economic solidarity." That part should, in effect, have given an answer to the vital question featured on the jacket of the book and certainly present in the minds of most of its readers: "How can business leaders save private enterprise?" The reviewer cannot truthfully say that the book conveys an answer to that question.

There are many questions of theoretical and practical interest that could be raised in connection with the book—too many, in fact, to be handled in a short review. The reader will find, at the end of the volume, valuable "dissenting comments" by Dr. Charles O. Hardy, with answers by Dr. Nourse. The reviewer, on the whole, inclines to the positions taken by Dr. Hardy.

Since the main thesis of the book is centered around the concept of "low-price policy," it might not be superfluous to point out that the notion is discussed but not defined. Is there any difference between the "low price" advocated by the author and the "competitive price" of economic theory? If there is, it should be made clearer. This whole matter of conceptual clarification could be very usefully undertaken when the book is revised for another edition; it would greatly enhance its value.

When discussing the problems of profits and the "profit motive," it might be useful to emphasize that profits and losses are the determining indications that an *entrepreneur* has as to his success or failure in appraising market reactions. Profits are indispensable in a free-market economy; so, alas, are losses. The question of moral motivation does not come into the picture at all. Dr. Nourse might have left out the whole discussion of the "profit motive." Having included it, he might have pointed out that it is really a misnomer: in a free economy, everybody tends to reach for higher *income*. Whether that income is represented by profits, salaries, or wages is immaterial.

MICHAEL A. HEILPERIN.

*Hamilton College.*

## BRIEFER NOTICES

### AMERICAN GOVERNMENT AND POLITICS

D. W. Brogan's *Government of the People* (Harper, pp. xxxi, 415, $4.00) is a reprint of the 1933 edition, to which has been added a twenty-five-page preface that purports to bring the earlier material up to date. This aim Mr. Brogan accomplishes remarkably well in view of the limitations inherent in this method of revision and his apparent change of opinion after eleven years regarding the vitality of American political parties. *Government of the People* is a scholarly and stimulating book, in which the author displays in a charming manner an intimate knowledge of the details of American politics. Two chapters deal with the Constitution and judicial review. The remainder of the volume is devoted primarily to a discussion of the chief defects in the American party system. Mr. Brogan accurately points out that the "traditional and sectional" aspect of American parties, which is responsible for most of our political ills, is the product of our constitutional system. If one accepts the postulate—and this reviewer does not—that well-organized national parties based on class or principle are requisite to a healthy political system, he will logically follow the author to his conclusion that we must modify or abolish, among other things, the locality rule for congressmen, separation of powers, checks and balances, judicial review, states' rights, and the rigid constitutional amending process. If Mr. Brogan no longer advocates any or all of these reforms—as certain expressions in the preface seem to imply—a rewriting of at least the final chapter would have been desirable.—J. S. G. Carson.

In his *What America Thinks* (Thomas Y. Crowell, pp. viii, 167, $2.50), William Lydgate portrays the major trends of American public opinion as revealed by the last eight years of intensive poll-taking. The provocative issues surrounding polls are omitted as the author adheres closely and successfully to this purpose. The work is admittedly written in lay and popular terms, with only a minimum use of charts and statistics. As such, it supplements the more technical works by Cantril, Gallup, and others. In succession, the book tells what the people think about labor unions, neutrality, isolationism, foreign policy, the German and Japanese peoples, the Allies, the conduct of the war and home front policies, diet and personal health, taxation, Franklin D. Roosevelt, presidential tenure, and suffrage restrictions, especially the poll tax. Taking a page from Sandburg, Mr. Lydgate's opening chapter entitled, "The People Yes," sets the theme which permeates the volume—a great admiration for the common people whose "salty, earthy judgment is refreshing" (p. 160). He finds the "average American" not too well informed and "snobbish about other races, feeling superior to everybody," but possessing a large amount of "horse sense," realism, and intelligence, and growing more world conscious and

"sophisticated" in his thinking, though needing more information on history, geography, economics, health, and disease. Congress comes off second best as Lydgate stresses the fact that the people have been ahead of the national lawmakers in favoring a strong foreign policy, heavier taxation, and the regulation of labor unions and strikes; and without discussing the matter, the author assumes this to be an unhealthy state of affairs. Many, including T. V. Smith, will debate the proposition that Congress should invariably be ahead of, or exactly in step with, public opinion. However, the author's assertion that Congress often mistakes the noise of blocs and pressure groups for the "will of the whole people" is bolstered by convincing illustrations such as the congressional lag behind the people on price control and rationing measures. The volume includes an adequate index, but no bibliography, the data compiled being entirely from answers to questions asked by the American Institute of Public Opinion.—HUGH A. BONE.

*Municipal Research Bureaus; A Study of the Nation's Leading Citizen-Supported Agencies* (American Council on Public Affairs, 1944, pp. 178, cloth $3.00, paper $2.50), by Norman N. Gill, is the interesting and instructive story of an important phase of municipal development in the United States during the twentieth century. Mr. Gill relates the beginnings and growth of the municipal research bureaus, from the seminal New York Bureau founded in 1906 to the twenty active bureaus which could be identified in 1942. Wisely, he is not concerned with their history alone; instead, he devotes his major attention to an attempt to distinguish the municipal research bureau from other types of citizen groups; to an analysis of their programs in research and in citizen education; to an appraisal of their trustees in social and economic terms, their professional staffs in terms of training and competence, their national association through its varied fortunes; and, finally, to an inquiry into the nature and limitations of their financial support. The author concludes that "no other movement has so profoundly influenced the processes of municipal government," and that municipal research bureaus are largely responsible for the development of modern budget methods, improved systems of accounting and reporting, centralized purchasing, and the application of standards in personnel classification and compensation." Nevertheless, he is not an uncritical observer of their present status. He notes the deeply embedded tradition of business-interest domination, the narrow base of financial support, the absence of younger men from the boards of trustees, the rudimentary development of citizen education methods, the failure to maintain adequate quality and quantity of staff, and the need for developing more adequate coöperation with the universities and colleges. This reviewer believes that additional questions might be raised. Is it not likely that,

despite its distinguished history, the movement has run out its course? Despite the claim that the bureaus labor for better rather than cheaper government, is not this thesis precariously (and irregularly) maintained against the daily preoccupations and persistent interests of those who support the bureaus? Are not the professional staffs heavily institutionalized by the twin influences of a limited tradition and the implicit if not expressed objectives of the large contributors? Finally, can we, at the present stage of municipal-government development, be content with anything less than a citizen-supported, citizen-participating type of organization through which democratic, imaginative, and resourceful as well as efficient local government can be promoted? There is no convincing evidence in Mr. Gill's study that the traditional municipal research bureau can transform itself into such an institution.—WALLACE S. SAYRE.

A subject which has received scant attention in the literature of American political science is analyzed by R. F. Patterson in *The Office of Lieutenant-Governor in the United States* (Governmental Research Bureau, University of South Dakota, 1944, pp. 20, $1.00). The author's thesis is that lieutenant-governors of the thirty-six states which have them are or should be more than mere "spare tires." The paucity of court decisions regarding the position would seem to indicate its lack of fundamental importance. The most significant experiment in the use of the lieutenant-governor was made in Indiana, where he was assigned important administrative responsibilities as a sort of "assistant" or "deputy" governor. The experiment was wrecked when a governor and a lieutenant-governor of opposite parties were elected. The fallacy of the whole idea lies in the necessity for any administrator to select his own assistant. Without offering evidence on the subject, the author indicates his conviction that lieutenant-governors exert in many states considerable influence on legislation. It would seem that the lieutenant-governor's function as chief senator carries in many states sufficient powers to render him the state's second most important political figure. This is especially true in those states where his power to appoint committees extends to the appointment of senate conferees, thus placing him in a position from which he can defeat legislation. Mr. Patterson's study contains useful information and points the way to a more extensive examination of the lieutenant-governor's legislative importance.—JOSEPH M. RAY.

That John C. Calhoun was for many years a nationalist has been forgotten by most Americans, but it is the main theme of *John C. Calhoun, Nationalist, 1782–1828* (Bobbs-Merrill Co., 1944, pp. 477, $3.75), by Charles M. Wiltse. In this volume, Mr. Wiltse paints clear-cut word pictures of Calhoun and his contemporaries and makes of the biography an

absorbing story of politics as played by the master politicians of the period. From the administration of President Monroe he draws aside the curtains that have masked the machinations and power politics of that period and shows the "era of good feeling" in its true light. Notwithstanding this broad picture, the author has not hesitated to differ from other historians and biographers in their characterization of Calhoun. Particularly does he object to the picture that makes of Calhoun a "vacillating and unprincipled politician." Acknowledging Calhoun's faults along with his strength, Mr. Wiltse maintains that this characterization is based upon Adams' diary, and that historians have accepted it without considering the bias of John Quincy Adams or "the mass of contemporary evidence." To the reader the volume makes clear the great expectations with which Calhoun began his political career and his great and unquestioned ability in the field of politics. That he did not reach the presidency, Mr. Wiltse attributes to the fact that he was never able to realize that the common man could not reason logically and therefore could not follow him in his political thinking. Blame is placed also upon the rival political ambitions of his contemporaries, who by devious political activity were able to cloud the issue. The "sheer viciousness" of the political campaigns of Calhoun's day is clearly delineated. Calhoun was never loathe to express himself upon governmental affairs and his opinions are analyzed with great care and ability—as, for instance, his desire to maintain the deliberative character of the House of Representatives. Well written, with forcefully expressed conclusions that are established by proper documentation, this volume is a genuine contribution to the historical biography of America. —ROBERT S. RANKIN.

*The History of the New Deal* (Creative Age Press, 1944, pp. xi, 368, $2.50), by Basil Rauch, is divided into fourteen chapters. It opens with a brief chapter on "The Old Deal"—a summary statement on the economic plight of the country after the great explosion of 1929 and on the ideas and policies of President Hoover. The second and third chapters treat of the campaign of 1932 and the "interregnum" between the election and inauguration of Mr. Roosevelt. Six chapters cover what the author calls "the first New Deal," 1933–35; and the remaining chapters, "the second New Deal." According to Mr. Rauch's judgment, the first "was chiefly beneficial to big business and large farmers," and the second, "to labor and smaller farmers." The main body of the book is devoted to brief descriptions of the great measures and issues of the period and is based largely on official documents, newspapers, and other sources readily available to the student. The style is clear, flowing, and readable. The tone is one of sympathy with the New Deal, and of warm certitude. If the author was troubled in mind as to just what he was doing as he selected, emphasized,

and decided, he carried no substantial baggage of doubts and qualifications as he wrote "the" history of the New Deal. This volume is to be followed by another dealing with the period since 1938, "national defense" and "global war." Readers of the present work will look forward to the second with expectancy.—CHARLES A. BEARD.

*The Selection and Tenure of Judges* (National Conference of Judicial Councils, 1944, pp. xix, 308), by Evan Haynes, is one of the volumes in a valuable series published under the direction of Roscoe Pound. The purpose of the volume is the collection of information, and more than a third of its pages are devoted to tabular or bibliographical information. The text, however, is of distinct value. Chapters dealing with English and other foreign judicial systems are brief but valuable. A separate chapter devoted to the judges under the Stuarts is not only of value but also of interest, as is the chapter tracing the development of popular elections and short terms for judges in the states of this country. The most interesting chapter and one of the most informative is that entitled: "Are elected judges with short terms more liberal than appointed judges with secure tenure?" Dean Pound's introduction is also interesting and valuable. The author of the volume devotes some independent attention to the tenure of judges. As a matter of fact, tenure is more important than method of selection. The author properly indicates that politics has a large share in the appointment of English judges, but that political influences play little part after the judges are appointed. Security of tenure accomplishes this result.—WALTER F. DODD.

Students of theory and parties will find in *What the Negro Wants* (University of North Carolina Press, pp. xxiii, 352, $3.50), edited by Rayford W. Logan, a very useful volume dealing with America's most difficult minority question. Though differing in emphasis, the Negro intellectuals who contribute to it are agreed on their major premises. The Negro wants what all intellectuals want. The argument is a familiar one, an integral part of the American tradition flowing from the original Lockian stream of ideas subsequently incorporated into the Declaration of Independence. No more potent propaganda ideology could be devised for Americans who pay lip service to the equalitarian, libertarian ideal, especially in wartime. Many Southerners will be surprised and nettled at the view of their culture presented. Some will suspect a lack of understanding, because of the tendency of the intellectual to over-rationalize questions of status. Cultural progressiveness, or lack of it, does not always yield to the exigencies of logic. Was it not John Stuart Mill who pointed out that the necessary self-discipline for civilized living might require a preliminary apprenticeship of obedience, even in slavery? The publication

of this volume by one of our leading Southern university presses is especially welcome. The wisdom of including a publisher's preface which disputes the major premises of the rest of the volume is doubtful. However able the argument, its incorporation in a volume of this character suggests a reason for the preface which sustains the position of those the publisher so trenchantly attacks.—J. B. SHANNON.

In *A Dictionary of American Politics* (Barnes and Noble, 1944, pp. vii, 358, $3.00), Edward C. Smith and Arnold J. Zurcher, editors, present the third volume of its kind which has appeared under the title, and comprising a revision of an earlier edition by the former of these authors. That the work includes only some three thousand entries suggests the question of selectivity. Such omissions as Americanization, auxiliary agencies, nonvoting, pari-mutuels, proprietary functions, indicate some arbitrariness in choice. Some eighty acts of Congress do not include the Overman Act or the War Powers Acts. Equally significant federal court cases are not included. Some definitions are inadequate or inexact, e.g., that of *laissez-faire*. In general, however, the definitions are satisfactory, and the work should prove useful to both special and general students.—H. C. COOK.

### FOREIGN GOVERNMENT AND POLITICS

In his little book, *China's Wartime Politics, 1937–1944*, issued under the auspices of the International Secretariat, Institute of Pacific Relations (Princeton University Press, 1944, pp. viii, 133, $2.00), Lawrence K. Rosinger has put together some sixty pages of narrative, written for the "educated citizen," and sixty-five pages of documents likely to be serviceable to the specialist. Although so little space is given to textual matter, a fact which will be regretted by readers of the author's well-informed and trenchantly-phrased "Reports" in the series of the Foreign Policy Association, the main trends of China's recent political development are traced with clarity and scholarly detachment. While advancing no thesis, the author takes as his principal theme the controversy of the Kuomintang with the Communist-agrarian *bloc*. In spite of nearly ten years of civil strife, Chinese unity, he believes, though still little "above the minimum level necessary for resistance" to Japan, was stronger in 1937 than in 1927. He explains the decline in unity since 1938, pointing to the expulsion of the Communist party from the Kuomintang, the conflict of interests between their members and the corresponding divergencies in their governmental and economic theories, the resentment in Chungking at foreign criticism of reactionary policies, and other factors. He concludes with an estimate of the national executive, the People's Political Council (which he finds to be declining in influence), and the constitutional movement. Of the fourteen appended documents, seven throw greatly needed light on the opposing views of the Kuomintang and the Communists; one

is the draft constitution; and the remainder are expressions of leading individuals or groups regarding domestic or foreign policy.—HAROLD S. QUIGLEY.

To sketch chronologically the struggle to achieve a constitution in Russia from the earliest periods down to 1905 is the difficult task Dr. Harry Dorosh sets himself in *Russian Constitutionalism* (Exposition Press, 1944, pp. 127, $2.50). He has "sought only to characterize the stages of the constitutional movements and explain their economic and ideological factors." The first task he has achieved fairly well, and he does not claim great democratic significance for the various attempts to circumscribe the autocracy of the tsar. The latter more difficult task needs more elaboration. The author has relied almost completely on monographs by Russian scholars, which historians not versed in the Russian language will appreciate. Yet there are studies by Western European and American authors whose points of view, if nothing else, on constitutionalism would have strengthened this presentation. To the specialist in Russian history the book will bring nothing new, while the general reader will find it difficult reading and too compact to provide a clear picture of the "birth and growth of constitutional ideas in Russia."—E. C. HELMREICH.

Stressing a Marxian historical interpretation, Stanley B. Ryerson, in his *French Canada* (International Publishers, 1944, pp. 256, $2.50), attempts to create for English-Canadians a greater appreciation of the motivating forces in French Canadian life. He first traces the history of Quebec from the Quebec Act to 1917, emphasizing the democratic aspects of the struggle of 1837 and the early coöperation between the reformers of Upper and Lower Canada. The second section of the book describes the effects of agrarian feudalism and industrialization on a Quebec that is today only one-third rural. In the final section, some aspects of the recent Duplessis fascist government and the development of the labor movement are discussed. Ryerson believes in the possibility of creating a Catholic democratic industrialism which will coöperate with its counterpart in English Canada for the construction of a united and stronger Canadian democracy. While much in the book is interesting and valuable, the limitations of the Marxian approach lead the author almost to neglect the religious and racial factors, and the importance of tradition in the rural life of Quebec. The book also suffers from too much sloganizing.—ALFRED FERNBACH.

## INTERNATIONAL LAW AND RELATIONS

*The International Secretariat of the Future* (Royal Institute of International Affairs, pp. 64, $0.85) is the collective work of a group of former officials of the League of Nations Secretariat. As the title suggests, the

slender volume is less a description of the evolution and organization of the League Secretariat than an attempt to draw certain conclusions from the experience of the past and to make suggestions for the future. Its importance lies in the fact that the authors, among whom is the first Secretary-General of the League, had a considerable share in the shaping of the Secretariat and the development of its administrative technique. The brochure covers wide ground: international loyalty, national composition and recruitment, problems of leadership, external relations, site of the organization, and financial questions. Among its conclusions and concrete suggestions, the following may be mentioned: that international loyalty is possible and that the fact of being internationally staffed is no handicap to the efficiency of an administrative body; that officials, except those of highest rank, should receive indeterminate contracts; that international officials should as far as feasible enter the service by way of open examinations and that their salaries "should be based on the best paid civil services existing among the members of the organization, plus an appropriate indemnity for expatriation." The highest posts should not be filled exclusively by nationals of the major powers, in order to leave room for a limited number of nationals of the smaller powers. In contrast to a League practice which as a matter of fact was gradually abandoned in later years, principal officers should not be restricted to advisory and representative functions, but given "direct administrative responsibility . . . as working directors of more or less self-contained sections." The qualities required of the head of the international Secretariat are defined as follows: "He should be young. Political or diplomatic experience, but not necessarily great fame or eminence, is an advantage. Above all, ability for administration in the broadest sense is important, implying a knowledge of when to be dynamic . . . when, at the other extreme, to be content as a purely administrative official; and when, on a middle course, to be a moderator." The personal experience of the reviewer suggests a different emphasis upon the qualifications enumerated, i.e., the need, above all, of statesmanlike and political qualifications in the broadest sense of the term rather than of civil service qualifications. One of the most important suggestions is contained in an appendix in which Mr. A. Pelt, the second and last director of the Information Section, points to the almost insurmountable obstacles blocking the successful working of the public relations service of an international agency. As a way out, Mr. Pelt suggests that the successor to the League's Information Section be given a less official and formal character. "Active publicity can only be successfully handled by men enjoying freedom of expression." For anybody interested in the problems and techniques of international administration, this booklet is obligatory reading, though its all too restricted size and the somewhat orthodox ap-

proach, which never departs appreciably from the League pattern, diminish its utility and leave considerable scope for further study and investigation. From the point of view of the uninitiated reader, it is perhaps regrettable that too much knowledge of the organization and inner workings of the Geneva machinery is taken for granted.—EGON F. RANSHOFEN-WERTHEIMER.

The spate of books on "victory through air power" which marked the year 1942 was bound to be succeeded by an equally vigorous flow of works seizing upon air power as the sole specific for curing the world's basic ill of recurrent aggression. Such a book is Allan A. Michie's *Keep the Peace Through Air Power* (Holt, 1944, pp. 196, $2.00). Mr. Michie shares with several others the merit of presenting an idea which is preëminently worthy of profound study and consideration, but it cannot be said that the character of the analysis he brings to the subject particularly advances our understanding. Indeed, the greater part of his small book is taken up with a political discussion completely removed from the main topic announced by the title and in which the author is utterly out of his depth. When he returns to his expressed commitment, he does little more than bring together within a narrow compass a fund of arguments which the discerning reader has had reason to consider dubious elsewhere. It is indeed remarkable that a book written in 1944—when air power had received a fairly substantial trial in Europe against the kind of nations that really count—should resort for historical examples implementing its thesis to the experience of colonial powers in policing primitive nomadic tribes during the 1920's. The author goes on to argue that air bombardment or the threat of it "is the one type of force that can apply direct control . . . without the necessity of occupying the aggressor nations." It would therefore "require but a fraction of the cost and a very small part of the immobilized manpower of land armies of occupation or a punitive land striking force." We know, on the contrary, that air forces, to be truly effective as instruments of sanction, have to be huge and costly, and that they can be counted upon to achieve results only by large-scale destruction in which the decision may be long delayed. Against a nation presumably disarmed, air bombardment would appear a peculiarly clumsy way of imposing one's will, being efficient mostly in producing the bitterest kinds of resentment among the populations attacked. A disarmed nation should be very easy to occupy—as was the Ruhr in 1923—and it should not require such huge armies to do it. The airplane may indeed prove an excellent means of quickly ferrying foot soldiers to the areas where military control is to be established, but control by air-borne troops who can occupy and hold a position and attempted control by bombs are two very different

things. The essential point, however, is that any sensible approach to the problem of sanctions must shun the monistic type of solution.—BERNARD BRODIE.

*America and the Americas* (Claremont Colleges, California, pp. vii, 84, $2.00), by Hubert Herring, reprints two lectures that distill into a few paragraphs years of experience in the field of inter-American relations. "An Appraisal" briefly covers historic periods of varying warmth of diplomatic relations, the present extent of hemispheric solidarity, and the comparative democracy of the Latin American governments, and estimates their reception of our official attentions. "A Forecast" enumerates assumptions as to likely future policy, cites the treatment of Puerto Rico and of Mexicans within our borders as symptomatic of the obstacles to Continental coöperation, and concludes with specific recommendations. A provocative analysis ascribes a *colonial character*—not a colonial status—to Latin America. The characteristics persuasive to the author are economic (exportation of raw materials and importation of manufactured goods), geographic (great unsettled spaces), cultural (subordination of Indian populations), political (the recent and incomplete advent of democracy), and military (inadequate arms to safeguard national sovereignty). The data on wages, birth and death rates, and other social conditions summarize the fuller statistics of the author's *Good Neighbors*, published in 1943. Although he refers to Latin Americans' doubts as to the continuity of sympathetic policy in Washington, Herring repeatedly assigns credit in bipartisan fashion to Root, Hughes, Hoover, Roosevelt, Hull, Welles, and Wallace in asserting that the Good Neighbor policy is not the exclusive property of one political party. Mr. Herring, a prolific writer, employs a lively style; his approach is robust, virile, and probably sufficiently breezy to ruffle some sensitivities.—WILLARD F. BARBER.

When Captain G. B. Shirlaw of the R. A. M. C. noticed at his officers' mess that discussions about the world after the war were usually fruitless, and when he found no satisfactory book on the subject, he decided to write one himself, as layman for laymen. After having written one third, he was called overseas. The volume was finished by Major L. E. Jones, a banker in civilian life (p. 93) with whom he had discussed the whole plan. G. B. Shirlaw and L. E. Jones, *You and the Peace* (London: Macmillan, 1944, pp. vi, 176, $1.75) also aims to be a point-by-point guide for lectures and discussions organized by the United Kingdom's meritorious A.B.C.A. (Army Bureau of Current Affairs); thus, it shows American readers the type and wide range of the questions asked by British soldiers. The thin book deals with everything from the future of Northern Rhodesia to state socialism. As a sign that the experts' ideas (e.g., Kelsen's) about

the need for the "individualization" and "criminalization" of breaches of international law are "in the air," it is interesting to note that these British "laymen" not only strongly advocate the creation of a world criminal code, but even outline its main positive norms. There is a stimulating chapter on nationalism as the root of wars, a somewhat too "wisecracky" part on boundaries, and an appeal for the formation of a "government of Africa" ("United African Peoples," p. 171). The most important single measure to solve the German problem is, in the eyes of Shirlaw and Jones, the formation of a world police force. In addition, it is argued that all German inventions and patents (now existing or to be made within the next fifty years) should be freely available to the world; and that her works of art should be taken from Germany, such "insignia of an adult civilization" to be returned if and when she is reformed. For the latter purpose, all who cannot prove their anti-Nazi attitude should pay a special education tax (pp. 42–44). On the whole, the book is clearer, better informed, and on a higher level than quite a few more pretentious volumes on the future of international relations.—HANS ERNEST FRIED.

In "Agenda for Peace" (*Annals of the American Academy of Political and Social Science*, Vol. 234, July, 1944, pp. 131, $2.00 cloth), the seasoned editors of the *Annals* have added one more to the rising tide of symposia on the great problem before us. Under the headings "Rehabilitation and Relief," "Economic and Political Reconstruction," and "Postwar Organization and Coöperation," a sheaf of suggestive and often representative statements has been gathered which, in their geographic scope, comprise problems of the Far East, of North America, and of Europe (the bulk of the articles dealing with areas). This is one "agenda," be it incidentally noted, from which a discussion of the German question is conspicuously absent. In spite of the time-lag between the date of issue and the writing of this note—something of a test in these times of precipitous change—the analysis and development of basic questions stand up surprisingly well. Among a number of valuable contributions, this reader has been particularly stimulated by two pieces on Italy from the pens of Max Ascoli and Mario Einaudi, by F. Van Cauwelaert's straightforward words on the small European nations, by Edward C. Carter's consideration of Russia's contribution to peace, by Otto Mallery's proposal for a World Trade Board (a subject on which the cross-currents of the International Civil Aviation Conference at Chicago throw an interesting light), and, last but not least, by C. J. Hambro's earthy wisdom ("How to Win the Peace"), somewhat in the nature of a summing-up. We have heard it before; but, coming from the Norwegian statesman and former president of the League Assembly, the reminder has a singular poignancy: "The peace will be lost or it will be won in this country; and it will be lost or it

will be won by every single one among us, by your friends, by your neighbors, by your brothers and sisters. That is why all the discussions now going on all over this country have a real importance."—WOLFGANG H. KRAUS.

In *Armistice: 1918* (Yale University Press, 1944, pp. 442, $5.00), Professor Harry R. Rudin treats in considerable detail the story of events that brought World War I to a close. The importance of this very real contribution to our knowledge of the period immediately preceding November 11, 1918, is all the greater as we approach the close of the present war, at least in Europe, and provides us with a warning that we cannot be too careful, for the sake of peace in the future, in formulating a policy which ultimately will result in a "cease firing" order in our war with Germany. Professor Rudin brings out clearly the difference of opinion among the German military and civilian leaders on the ability of their country to continue the war, but he places definitely on the shoulders of Ludendorff and Hindenburg the responsibility for initiating the movement by the government that was to lead to the Armistice. As the negotiations between the government and Wilson continued, however, and it became clear that the terms must be more severe than Germany expected, the Army leaders began to back down on their earlier frantic insistence on the need for an immediate cessation of hostilities. The government was by now convinced by rapidly accumulating evidence of the inability of Germany to fight on much longer and pressed Wilson to name the terms upon which the Allies would be willing to stop the war. Ludendorff, however, opposed Wilson's hardening attitude toward Germany and declared that the war should go on. When the government refused to listen to his appeal, Ludendorff began to lay the groundwork for the thesis that the German Army was not defeated on the field of battle but was stabbed in the back by the breakdown of the home front. Rudin leaves no doubt that Ludendorff's game was to make it appear that the government, not the Army leadership, was responsible for Germany's plight. In this he was more than successful, since the argument was one of the most effective for Hitler during the years that witnessed the rise of National Socialism and the downfall of the German Republic.—CARL M. FRASURE.

Jules Ferry ". . . never had any long-range plan, but he moved opportunistically whenever a chance presented itself. . . . The only colony that was entirely his creation, from early exploration to final international ratification of French ownership, was Equatorial Africa. . . ." (p. 195). This is part of the summary from *Jules Ferry and the Renaissance of French Imperialism* (King's Crown Press, pp. x, 222, $2.75), by Thomas T. Power, Jr. If the results of Ferry's colonial activities endowed France with a great empire, consisting of Tunisia, Oceania, West Africa, Madagascar,

and Indo-China, it was not because Ferry played the rôle of an American movie hero, that of an "Exploiter," that of Der Führer, or even that attributed by Mr. Beard to the Founding Fathers. Pulled along by French military men, colonists, professional diplomats, "high civil servants," and the exploits of the explorer Brazza—and occasionally misled—Ferry's rôle appears as that of a dogged conservator of every French colonial advantage. He did not tempt the fate of France in an injudicious manner. For reasons of his own, undoubtedly, Otto von Bismarck was usually found supporting Ferry's ventures, and the index to the volume carries more references to Bismarck than to any other person, Ferry alone excepted. This is not a tract based upon some simple ideology. It is a *study*—appropriately assisted by a group of Columbia University savants. Its contents cannot remain outside the lecture notes of teachers of French government or of colonial government and administration. In short, the study is a contribution.—J. G. HEINBERG.

Unlike most volumes published under the auspices of the Institute of Pacific Relations, Bruno Lasker's *Peoples of Southeast Asia* (Alfred A. Knopf, 1944, pp. 288, x, $3.00) is addressed to all who read. Concealing evidences of scholarship, the author proceeds in leisurely, casual fashion to depict the social groups belonging to the large area treated, with emphasis on means of making a living. Little concerned with Burmese, Malays, or Filipinos, he deals with hunters, peasants, merchants, and artisans, in their age-old struggle for livelihood. Next comes the rôle of the foreigner, whether Oriental or Occidental, and the resulting economic and social changes for the natives. Finally, the varied scenes of ferment and protest, the drama of transition and struggle, are sketched. Convinced that the old colonialism is neither desirable nor feasible, the author points to economic welfare and self-government as twin objectives of the future. Responsibility for such policies he would entrust chiefly to the imperial powers concerned. In the background would be a world organization and certain regional agencies. No very drastic changes from the situation of 1939 are involved. Whether this program would be adequate to the declared purposes or practical in operation may well be questioned. It may be doubted also whether the author has succeeded in making any very clear picture of "our comrades," these peoples of Asia. Perhaps, as he says, "until we have the help of the indigenous peoples themselves, until we have expressions of their experiences and desires through organized channels of representative public opinion," we cannot know them well enough to deal with them intelligently.—G. LEIGHTON LAFUZE.

Since 1940, the Naval War College has published a compilation of *International Law Documents* (U. S. Government Printing Office, 1944, pp. 155) used as the basis of discussions in Naval War College classes.

Like the previous compilations, the most recent volume, for the year 1942, incorporates documents primarily illustrative of those aspects of international law having to do with the conduct of the present war. It is consequently surprising to find that 52 of the volume's 155 pages are devoted to the text of the Final Act of the United Nations Conference on Food and Agriculture. With the possible exception of Resolution XXIII and its Correlative recommendation in favor of collective action "to establish such conditions of international security as will make possible an expanding and balanced world economy," it is difficult to understand the reason for including this particular document with the President's Proclamation Concerning the Capture of Prizes on the High Seas or the President's Statement on the Use of Poison Gas, of obvious practical interest to Naval War College students. All but five of the thirty-two documents are taken from the *Department of State Bulletin* and are therefore easily available in their original source. Nevertheless, the Naval War College publication is useful because of its selective presentation of those documents having particular reference to the conduct of the war.—D. BEATRICE MCCOWN.

*Powers and Duties Attributed to the League of Nations by International Treaties* (League of Nations: C.3.M.3. 1944. V. Geneva, 1944, pp. 48, $0.50) gives a list of the numerous international treaties, actually in force, attributing powers and duties to the League of Nations (without the Permanent Court of International Justice and the International Labor Organization), especially in the field of non-political international coöperation. The publication serves primarily the purpose of calling attention to the fact that the disappearance of the League would leave important, treaty-based international functions without any competent organ to perform them. But this publication is also a timely reminder that, contrary to the layman's opinion, the League of Nations still exists, in law as well as in fact. While the organization's political activities have ceased, it still functions at Geneva and at Princeton; 44 states are still members and pay contributions; the League is doing work, issuing publications, and has in the Irishman Sean Lester its acting secretary-general. As it is unlikely that the League will be continued—if for no other reason, on account of Russian dislike—it is necessary to make arrangements not only for a new international organization to take over its tasks, perhaps its archives, buildings, personnel, and probably the Court and the ILO, but also for the dissolution of the old League by resolution of its competent organs. These problems concerning the change from the old to the new League are certainly included in the "several questions still under consideration," mentioned in the final note of the Dumbarton Oaks proposals.—JOSEF L. KUNZ.

Persons interested in Bismarck's diplomacy will find an exceedingly interesting volume in *Letters From the Berlin Embassy; Private Correspondence of British Representatives at Berlin and Foreign Secretary Lord Granville, 1871–1874, 1880–1885* (U. S. Government Printing Office, 1944, pp. 428, $1.25), edited by Professor Paul Knaplund, of the University of Wisconsin. Lord Odo Russell, First Baron Ampthill, British ambassador to Germany in 1871–74 and 1880–85, was on extremely intimate terms with Bismarck, and his private letters to the Foreign Secretary, Lord Granville, contain many keen observations. Bismarck's differences with the Emperor, his threats to retire when the Emperor died, his suggestion that England seize Egypt, and the belief of many German officials that France would wage a war of revenge, were all reported by the Ambassador. His relations with the German royal family also were so cordial that when he died in 1884 the Empress said: "He was the English Ambassador in Berlin and the German Ambassador in London." The importance of these letters is enhanced because they were private and Ampthill wrote more freely than was possible in his official dispatches. Letters sent to Granville in 1885 by Ampthill's successor, Sir Edward B. Malet, with which the book closes, show a pronounced deterioration of Anglo-German relations within a year after Ampthill's death. Excellent explanatory notes and introductory surveys of British foreign policy show careful editing.—ROBERT S. MCCORDOCK.

In his *Latvian-Russian Relations* (Washington, D. C.: Latvian Legation, pp. 255), Dr. Alfred Bilmanis has collected a variety of documents dealing with (1) Russia's acquisition of Latvian territory in the eighteenth century, (2) Latvia's struggle for independence, 1905–20, and (3) the subsequent period. Many of the documents are from standard sources, but there are enough others to warrant this collection, beyond its mere convenience. Of particular interest are two reports by the Latvian negotiators of the Soviet-Latvian mutual assistance pact of 1939. Here mention is made of a secret protocol, but the document is not given. The constitution of the Latvian Socialist Republic (1940) and material on deportations resulting from the policy of sovietization are included. There is an excellent brief introduction surveying Latvia's foreign relations.—E. C. HELMREICH.

## POLITICAL THEORY AND MISCELLANEOUS

*The Administrative Theories of Hamilton and Jefferson; Their Contribution to Thought on Public Administration* (University of Chicago Press, pp. ix, 244, $3.50), by Lynton K. Caldwell, reveals much new information about the origin and evolution of ideas concerning public administration in this country. To read this book is to convince one again that "there is

nothing new under the sun." The popular controversies of today's administrators and critics are found in the writings and practices of Hamilton and Jefferson. Although the two statesmen have long been credited with contributing much to political philosophy, only recently have research students begun investigating their contributions to administrative principles. In his introduction to the volume, Leonard D. White points out that the study opens up new and fertile fields for research in the development of administrative thought. Dr. Caldwell attempts to prove with careful documentation that the much-publicized controversies between Hamilton and Jefferson were not fundamental. He indicates that their dissensions, which have been perpetuated by melodramatic writers, were exaggerated because of their partisan ambitions and contrasting temperaments. Aside from their political rivalry and personal antagonisms, Dr. Caldwell believes that the basic difference in their administrative theories lay in their attitude toward "the control of political power." Hamilton favored unitary, centralized governmental responsibility and concentration of authority. Jefferson advocated separation of power, federalism, home rule, and limited government. "The nationalistic centralizing objectives of Hamilton encouraged his view of organization from the top down, whereas the democratic decentralizing hopes of Jefferson led him customarily to view organization from the bottom up." The two men concurred in their belief that the government should act positively to promote the public welfare, but the Hamiltonian stress was on organization and administration of public power while the Jeffersonian emphasis was on the control of this power. To Hamilton, the great need was order and efficiency, with emphasis on national unity. To Jefferson, the individual was most important, and good government consisted of decentralized administration with citizen participation. Both students and public administrators can profit by considering these principles, because they constitute the foundation of traditional public attitudes toward government management.—FRANCES P. DELANCY.

The author of *Social-Economic Movements* (Thomas Y. Crowell Co., 1944, pp. xvii, 828, $3.75), Mr. Harry W. Laidler, is to be congratulated for having brought within the compass of a single volume a vast amount of information concerning the important social-economic movements from the time of the prophet Amos to the contemporary period that he here presents. The volume under review was, as the writer states in his preface, "prepared as a textbook for courses in economics, sociology, political science, and social ethics, and as a handbook on social reconstruction for the general reader." The first portion appeared in almost identical form in Mr. Laidler's *A History of Socialist Thought*, no longer in print. The latter portion, beginning with the discussion of Russian Communism, has been

largely rewritten. In the discussion of some of the earlier movements of this period, much material has been added, and the whole account has been brought down to date. The writer, in his own words, "seeks to provide a history of significant movements and systems of [economic and social] thought, and [to] describe the social environment which led to their development," an effort in which he has in large measure succeeded. Beginning, in Part I, with Utopianism and the chief Utopists of ancient, mediaeval, and modern times, he proceeds through Marxism in Part II and other schools of thought in Part III, which he designates as Fabianism, German Social Democracy, Revisionism, Syndicalism, and Guild Socialism, to Communism, which he discusses in Part IV, and in Part V to Socialist Movements in Various Lands. In Part VI, he presents Recent Socialist Thought, and in Part VII, Consumer Coöperation. In Part VIII, he summarizes the contributions of various social and economic movements. The reviewer was somewhat confused at the outset by the manner in which Mr. Laidler plunged immediately into the use of such key words as "utopia," "communism," and "socialism," without some preliminary discussion of their meaning. The fact that not until almost at the end of the book is there any real attempt at definition of these or other important terms tends to blur the discussion of the movements with which they are associated and to detract from its significance. For practical purposes, the discussion of definitions inserted in Chapter 43 of Part VII would in the reviewer's opinion have been much more useful at the beginning of the book. Mr. Laidler has in large part succeeded in accomplishing his avowed desire "through the use of carefully selected quotations . . . to bring the reader into vital touch not only with the ideas but with the spirit animating each movement" that he discusses. There would appear to be a question, however, as to the wisdom of inserting as much historical narrative as he has inserted. Such narrative in a work of this character and scope almost inevitably, because of lack of space, results in over-simplification. The description of recent socialist trends in all countries, included in Part V, is on the other hand—even though one is not always sure of their exact political setting—extremely illuminating. The clear picture drawn here and elsewhere in the book of the persistent tendency of mankind, especially in these later days, to achieve a system of greater social justice and of more universal well-being, by whatever name we may call it, than *laisser-faire* capitalism provides, must reveal to all readers of the book some of the conditions of social and political reconstruction that must and will inevitably be met in the postwar world, and the futility of trying to keep the hands of the clock back in respect of them. The book will be extremely useful as a reference work, and, with supplementary reading, as a textbook in its field. It is itself supplemented with an excellent and comprehensive list of selected references.—Ellen Deborah Ellis.

In *Citizens for a New World* (National Council for the Social Studies, pp. 186, $2.00), edited by Erling M. Hunt, the eight specialists in international affairs who discuss some of the major problems of the postwar period are in complete agreement on at least one important point. That is the necessity for intelligent planning on a world-wide scale for such predictable necessities as the liquidation of the war's heritage of unemployment, physical destruction, dislocated peoples, and lowered health standards. American educational programs for an era in which the nature and range of our own national interests will make the study of foreign affairs a basic requirement also bulk large in these plans. In fact, one of the most useful portions of this volume from the point of view of the secondary school teacher is the final chapter, in which reference materials and study outlines for use in teaching international relations are expertly outlined. Despite the authors' concern with specific postwar questions, they fully recognize the inescapable relationship between the basic issue of security and all other reconstruction problems. In suggesting the establishment, therefore, of an international education office, a permanent health service, various measures for advancing "backward" areas or assuring protection to national minorities—to mention a few of the leading plans—the contributors emphasize the importance of fitting these schemes into an international political and economic framework. The proposals for an adequate security system are drawn, however, along lines that are more Utopian than practical. In an essay on plans for international organization, Professor D. F. Fleming argues that "hereafter we must have the protection of true federal government, which we [the United Nations] ourselves create, and through which the supreme problems of keeping the peace can be met." While it is unquestionably true that Professor Fleming's reform would offer ideal protection against future wars, the establishment of a world organization far stronger than the old League of Nations appears so far removed from the realm of the immediately possible that it can, at best, serve only as a distant goal toward which to orient current international machinery. But although the authors of these essays on postwar questions may appear to view the possibilities of world coöperation with more optimism than now seems justified by events, it is heartening to find so important an educational organization as the National Council for the Social Studies in favor of more, rather than less, international action in the future.—WINIFRED N. HADSEL.

"International Frontiers in Education" (*Annals of the American Academy of Political and Social Science*, Vol. 235, September, 1944 (pp. xi, 180, $2.00 cloth), edited by William G. Carr, is based upon the idea that preparations for education after this war must be made during the war itself, without waiting for the inevitable cooling off or slump that will

come to one degree or another after hostilities shall have ceased. It also pictures a minimum educational program for which the democracies will have to pay heavily, and not all in money, when physical peace or mere freedom from hostilities shall have arrived. Various writers have contributed to the volume. Much space is devoted to a description of official governmental agencies—as, for example, the International Bureau of Education at Geneva—which have taken worthy steps in the direction of educational planning, although largely interrupted or suspended by the war. The United States Office of Education and the Pan-American Union are included in the discussion. There are several papers on the various private non-state professional organizations, including the American Council of Learned Societies and its relation to the Union Académique (UAI) founded in 1919; and the exchange of students, scholars, and educational materials, especially books and documents, is carefully treated. Two papers are of striking excellence—those by Dr. Walter M. Kotchnig and President George D. Stoddard on the essentials of educational reconstruction in the Axis countries. In these and other papers, earnest attention is paid to the necessity for education in democratic thinking and action in all other countries also—education which must result in international cooperation in every field if peace is to endure. In most of the papers there is expressed or implied the conviction that close international coöperation, perhaps through a bureau of education set up by the United Nations, will be a minimum essential for the achievement of a peace among nations based on knowledge and wisdom.—BESSIE C. RANDOLPH.

The twelfth volume in the Walgreen Foundation Studies of American Institutions has made its appearance. *Social Service in War Time* (University of Chicago Press, pp. 201, $2.00), edited by Helen Wright, contains eight lectures given on the University of Chicago campus in the autumn of 1943. The first paper, on "Social Service at the Outbreak of the War," is written by Miss Wright, the present dean of the Graduate School of Social Service Administration, and the last, "Social Service After the War," by Edith Abbott, the first and only other dean of that school. The in-between articles cover such subjects as "The Effect of the War on the Public Assistance Programs," by Jane Hoey, director, Bureau of Public Assistance, Social Security Board; "The Impact of the War on Social Work With Children," by Katharine Lenroot, chief, United States Children's Bureau; "Food and the Peace," by Clarence E. Pickett, executive secretary, American Friends Service Committee; "Wartime Developments in Federated Financing of Social Work," by Wayne MacMillan, professor of social service administration, University of Chicago. The editor makes it clear that the articles cover limited aspects of present-day social work and do not include materials on such new developments as the

use of social workers by Selective Service; trade union experiments with social work skills; the rôle of the social worker in foreign relief and rehabilitation; and rapid developments in recreation and group work. The articles are factual, analytical, pedantic, having some value for two groups of readers: first, those interested in the evolution of social work, and second, those concerned with the place of welfare functions in the community, especially in relation to government. Only one of the articles, that by Miss Abbott, pays much attention to postwar potentialities in social work. All of the problems and their treatment which Miss Abbott discusses have been with us for years and will be with us for many more. They should, of course, be kept before us. It seems unfortunate to this reviewer, however, that more attention is not given to the challenging future and to the opportunities for the exercise of creative imagination in this rapidly expanding and important profession of social work. Academic institutions which are preparing students for employment in the field of social work need to give them not only specific knowledge of problems, but an insight into its challenges. With one or two exceptions, none of the papers would act as a recruiting agent for vigorous and zestful young people contemplating entrance into the field of social work. Had the book included some of the newer developments, and had the authors transmitted more of themselves and their enthusiasms, the volume's influence would be greater.—HELEN I. CLARKE.

In 1935, Mrs. George E. Frazer endowed an annual lecture at the University of Illinois in honor of her father, Edmund J. James, who was president of that institution between 1904 and 1920. These lectures have been published in groups of three or four. The third series of *Edmund J. James Lectures on Government* (University of Illinois Press, 1944, pp. 73) is appropriately concerned with the survival of democracy. Charles E. Merriam spoke in March, 1942, on "Postwar Planning," with particular reference to the work of the National Resources Planning Board, of which he was a member. Recognizing that a new kind of democratic liberty might emerge from the cataclysm of war, he first stated the philosophical essentials of freedom in a modern declaration of rights and then proceeded to describe specific projects which would contribute to the realization of these goals. It was an inspiring program of American opportunities, but unfortunately the National Resources Planning Board was abolished in 1943. Clarence A. Dykstra's lecture on "Democracy and the Manpower Crisis," delivered in March, 1943, centered about democratic methods of mobilizing manpower for effective defense against despotic aggression. Assuming that democracy is equalitarian in duties as well as rights, he advocated universal industrial as well as military service. In the face of dire necessity, the general will must prevail over personal preference, but

voluntary coöperation is just as democratic as compulsion. If liberty is lost, there is very little consolation in saving democracy. Allan Nevins suggested an appropriate solution of this dilemma in his lecture on "Democratic Ideals" in April, 1944. Unity of action, to be vital, must spring naturally from democratic experience. Though traditional American individualism has resisted political coercion, the conditions of our democracy are changing so that more socialization of responsibility and opportunity appears to be essential to the preservation of freedom.—JOHN ELY BRIGGS.

An American reviewer of *The Social Contract and the Islamic State* (Allahabad, India: Urdu Publishing House, 1944, pp. v, 203, 3 rupees) cannot help being discouraged by the style and approach of the author, Ilyas Ahmad, lecturer in the department of civics and politics in Allahabad University, and a convinced Moslem. The author writes in English, but in the frequently faulty English of one to whom the tongue is merely the language of the library and the lecture hall; he is familiar with the social contract classics, with modern criticism thereof, and with Western histories of Arabia and Islam, but he quotes the Koran in the same authoritarian manner in which scholastics quoted the Bible. This reviewer remains unconvinced that the history of Arabia furnished the inspiration to Hobbes for his description of the state of nature or to Rousseau for his legislator; she is unpersuaded that Rousseau accepted Islam after his admitted abjuration of Christianity. It is nevertheless of the utmost interest that the "age of ignorance" in Arabia before the rise of Islam illustrated substantially every characteristic of Hobbes' state of nature, and that Mohammed and his religion meet every specification demanded by Rousseau for his legislator and his civil religion. Moreover, it is an accepted historical fact that first Medina and then all Arabia made the transition from anarchy to organic unity by a series of express contracts. Particularly interesting is the pledge taken by both men and women: "We will not worship any but God, we will not steal, neither will we commit adultery, nor kill our children; we will not slander in any wise, nor will we disobey the Prophet in anything that is right." Here, as the author observes, it is Locke's views that are best illustrated by the history of the Islamic state.—MARGARET SPAHR.

All teachers will thoroughly enjoy Henry Johnson's *The Other Side of Main Street* (Columbia University Press, 1943, pp. viii, 263, $2.75). This mellow and illuminating autobiography of a professor emeritus of Teachers College, Columbia University, is really an entertaining (strange as it may seem) treatise on education. In it the writer, whom his friend, William A. Dunning jocosely reviled as the high priest of social studies "meth-

ods," again brings attention to pedagogy. However, this emphasis on the "know how" should be acceptable to even the most scholarly skeptic because of his enthusiasm for the oldest of all educational ideas, namely, that a man who is to teach history, political science, sociology, or what not, must know his subject thoroughly. It is indeed regrettable that all converts cannot, like Professor Dunning, send their graduate students to the author's classes where it was demonstrated that anything can be taught at any level if it is taught in a sensible way. "The sensible way is to get what is taught into the direct experience of the pupils." It is to be hoped that the day will soon come when all would-be doctors of philosophy will be made as aware of the necessity of transmitting learning as of acquiring it. Without entering for a moment into that too old battle between pedagogue and pundit, both too conscious of their shortcomings, Professor Johnson gently suggests and illustrates that "often methods used in grades are equally effective in graduate instruction." This witty, somewhat discursive, Odyssey is at once an example, a reminder, and an inspiration to those discharging teaching responsibilities in the social sciences.—JOHN A. PERKINS.

Anyone interested in the political ideas of the founder of Mormonism will find a considerable collection of documents in C. Homer Durham, *Joseph Smith: Prophet-Statesman* (Salt Lake City: Bookcraft, 1944, pp. xiv, 225, $2.25). The readings, for which the editor has written introductory notes, include selections from the Book of Mormon, letters, proclamations, items of legislation, sermon notes, and newspaper articles. The substance of the prophet's political thinking seems to be that a sound political order is based upon a moral people who achieve the Kingdom of God by living according to an authoritative, revealed code of truth. As the leader of a persecuted religious minority, Smith seems to have emphasized in his legal thinking the idea of group rights and the necessity for federal protection of the right to religious freedom from local interference. Smith was a "manifest destiny" land imperialist and took almost every conceivable view on the subject of slavery. The editor of the present compilation has a tendency to blow up every stray remark of the prophet into evidence of extraordinary insight and political genius. Thus, Smith's advice to the Mormons in 1841 to vote for the more friendly candidate for governor of Illinois is hailed as "a masterpiece of political realism" (p. 91). One also may speculate about the acumen displayed by Smith in such observations as this: " 'Tis right, politically, for a man who has influence to use it, as well as for a man who has no influence to use his" (p. 105). The reader is assisted in his understanding of Joseph Smith's political thought by the inclusion in the book of a full-page photograph of Hill Cumorah, near

Palmyra, New York, where the prophet discovered the ancient Nephite record. It seems to be a small hill, and quite barren.—DAVID FELLMAN.

Because it is, on the whole, concisely and clearly written and deals understandingly with its important theme, Kurt F. Reinhardt's *A Realistic Philosophy* (Bruce Publishing Co., pp. xii, 268, $2.75) is a valuable addition to that growing body of literature which seeks to interpret Thomism for the modern reader. Those whose particular interest is social and political philosophy will discover much to commend in this book's well-organized exposition of the metaphysical system underlying Roman Catholic social theory. Dividing his study into four chapters, the author considers in turn "Being and Reality," "Human Action and Moral Values," "Human Action in State and Society," and "Man as Producer and Consumer." To this reviewer, his most serious error is his interpretation of socialism—he sees it, along with fascism, "regarding the State or society as the absolute end and individual man as a mere means" (p. 162), and, again with fascism, as proposing the "abolition" of "private ownership." (p. 235). Such statements are certainly open to grave criticism. On the other hand, Reinhardt's vigorous attack on the positivistic and mechanistic assumptions of much contemporary social study is surely merited. With such assumptions, he correctly maintains (p. 149), "we will at best be in a position to make valid statements as to what actually happens or what possibly may happen, but we shall never be capable of deriving from such a limited scientific frame . . . any valid rules regarding human conduct."—MULFORD Q. SIBLEY.

# RECENT PUBLICATIONS OF POLITICAL INTEREST

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AND

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*University of Illinois*

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